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83^D CONGRESS
2^D SESSION

S. 2631

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 1954

Mr. WILLIAMS introduced the following bill ; which was read twice and referred
to the Committee on the Judiciary

JULY 13 (legislative day, JULY 2), 1954

The Committee on the Judiciary discharged, and referred to the Committee
on Post Office and Civil Service

A BILL

To prohibit the payment of Government retirement benefits
to persons convicted of certain offenses.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That in the case of any person heretofore or hereafter
4 convicted of any offense defined in chapter 11 (relating to
5 bribery and graft), chapter 37 (relating to espionage and
6 censorship), chapter 115 (relating to treason, sedition, and
7 subversive activities), section 281, 282, or 283 (relating
8 to claims and services in matters affecting the Government),
9 or section 431 or 432 (relating to interest by Members of
10 Congress in Government contracts), of title 18 of the United
11 States Code, because of any act done by him while serving

1 as an officer or employee of the Government, or convicted
2 of a violation of section 284 of such title, or convicted of
3 any other offense involving the improper use of his authority,
4 influence, power, or privileges as such an officer or employee
5 or otherwise related to his service as such an officer or
6 employee, and in the case of any person heretofore or here-
7 after convicted of perjury committed in falsely denying the
8 commission of an act constituting any such offense or an
9 act which would have violated any such provision if it had
10 been committed subsequent to the date of enactment of such
11 provision, no annuity or retired pay shall be paid for any
12 period following the date of such conviction or the date of
13 enactment of this Act, whichever is later, to such person or,
14 on the basis of the service of such person, to any survivor
15 of such person.

16 SEC. 2. In the case of any such person so convicted,
17 any amounts contributed by him toward the annuity the
18 benefits of which are denied under this Act, less any sums
19 previously refunded or paid as annuity benefits, shall be
20 returned to such person with interest at such rates as may be
21 provided in the case of refunds under the law, regulation, or
22 agreement under which the annuity is payable, or if no
23 such rates are so provided at the rate of 4 per centum per
24 annum to December 31, 1947, and 3 per centum per annum
25 thereafter, compounded on December 31 of each year. In

1 the event a person entitled to a refund under this section
2 dies prior to the making of such refund, the refund shall be
3 made to such person or persons as may be provided in the
4 case of refunds under the law, regulation, or agreement under
5 which the annuity the benefits of which are denied under this
6 Act is payable or, if no such provision is made, in the order
7 of preference prescribed in section 12 (e) of the Civil
8 Service Retirement Act of 1930, as amended.

9 SEC. 3. As used in this Act—

10 (a) The term “officer or employee of the Government”
11 includes a civilian officer or employee under the legislative,
12 executive, or judicial branch of the Government, a civilian
13 officer or employee of the Government of the District of
14 Columbia, and an officer or enlisted member of the Armed
15 Forces of the United States.

16 (b) The term “annuity” means any retirement benefit
17 payable by any department or agency of the United States
18 or the District of Columbia upon the basis of service as a
19 civilian officer or employee of the Government, except that
20 such term does not include salary or compensation which
21 may not be diminished under section 1 of article III of the
22 Constitution or, in the case of a benefit payable under the
23 Social Security Act as amended, any portion of such benefit
24 not based upon service as an officer or employee of the
25 Government.

1 (c) The term “retired pay” means retired pay or retire-
2 ment pay payable under any law of the United States to
3 members or former members of the Armed Forces of the
4 United States retired or determined to be entitled to retire-
5 ment pay.

6 (d) The term “offense” means any violation of law
7 (including a violation cognizable under the Articles of War,
8 the Articles for the Government of the Navy, or the Uniform
9 Code of Military Justice) punishable at the time of com-
10 mission of such violation by imprisonment for more than one
11 year, and any violation of a provision of law referred to
12 in the first section of this Act.

13 SEC. 4. This Act shall not prevent the payment of
14 retired pay granted to any person because of a service-con-
15 nected disability incurred as a member of the Armed Forces
16 in combat with an enemy of the United States or resulting
17 from an explosion of an instrument of war.

18 SEC. 5. If any provision of this Act, or the application
19 of such provision to any person or circumstance, shall be held
20 invalid, the remainder of this Act, or the application of such
21 provision to persons or circumstances other than those as
22 to which it is held invalid, shall not be affected thereby.

A BILL

To prohibit the payment of Government retirement benefits to persons convicted of certain offenses.

By Mr. WILLIAMS

JANUARY 7, 1954

Read twice and referred to the Committee on the Judiciary

JULY 13 (legislative day, JULY 2), 1954

The Committee on the Judiciary discharged, and referred to the Committee on Post Office and Civil Service

83^D CONGRESS
2^D SESSION

H. R. 9909

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 1954

Mr. CRETELLA introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That there shall not be paid to any person convicted prior
4 to, on, or after the date of enactment of this Act of any of
5 the following offenses described in this section, or to the
6 survivor or beneficiary of such person so convicted, for any
7 period subsequent to the date of such conviction or the date
8 of enactment of this Act, whichever is later, any annuity
9 or retired pay on the basis of the service of such person as
10 an officer or employee of the Government:

1 (1) Any offense defined in section 201, 202, 203, 204,
2 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 217,
3 218, 219, 220, 221, 222, or 223 of chapter 11 (relating to
4 bribery and graft), section 281, 282, 283, 284, 285, 286,
5 or 287 of chapter 15 (relating to claims and services in mat-
6 ters affecting government), section 434, 435, 436, 441,
7 442, or 443 of chapter 23 (relating to contracts), chapter
8 37 (relating to espionage and censorship), section 1700,
9 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1711,
10 or 1712 of chapter 83 (relating to offenses involving the
11 postal service), chapter 105 (relating to sabotage), or
12 chapter 115 (relating to treason, sedition, and subversive
13 activities) of title 18 of the United States Code or in section
14 10 or 16 of the Atomic Energy Act of 1946 (42 U. S. C.,
15 secs. 1810 and 1816) ;

16 (2) Any offense (not including any offense within
17 the purview of section 13 of title 18 of the United States
18 Code) which is a felony under the laws of the United States
19 or of the District of Columbia (A) committed in the exer-
20 cise of his authority, influence, power, or privileges as an
21 officer or employee of the Government, or (B) committed
22 after the termination of his service as an officer or employee
23 of the Government but directly involving, directly resulting
24 from, or directly relating to, the improper exercise of his

1 authority, influence, power, or privileges during any period
2 of his service as such an officer or employee;

3 (3) Perjury committed under the laws of the United
4 States or of the District of Columbia (A) in falsely deny-
5 ing the commission of an act which constitutes any of the
6 offenses described in paragraph (1) or (2) of this section,
7 (B) in falsely testifying before any Federal grand jury
8 or court of the United States with respect to his service
9 as an officer or employee of the Government, or (C) in
10 falsely testifying before any congressional committee in con-
11 nection with any matter under inquiry before such con-
12 gressional committee; or subornation of perjury committed
13 in connection with the false denial or false testimony of
14 another person as specified in this paragraph.

15 (4) Any offense defined in section 833, 861, or 862
16 of an Act entitled "An Act to establish a code of law for
17 the District of Columbia" approved March 3, 1901 (31 Stat.
18 1330, D. C. Code, 1951 edition, secs. 22-1201, 22-701, 22-
19 703) ; or in the second paragraph under the subheading "FOR
20 EXECUTIVE OFFICE" under the caption "GENERAL EX-
21 PENSES" in the first section of the Act entitled "An Act
22 making appropriations to provide for the expenses of the
23 government of the District of Columbia for the fiscal year
24 ending June thirtieth, nineteen hundred and three, and for

1 other purposes", approved July 1, 1902 (32 Stat. 591,
2 D. C. Code, 1901 edition, sec. 22-702) .

3 SEC. 2. (a) There shall not be paid to any person who
4 has failed or refused, or fails or refuses, prior to, on, or after
5 the date of enactment of this Act, upon the ground of self-
6 incrimination, to appear, testify, or produce any book, paper,
7 record, or other document, with respect to his service as an
8 officer or employee of the Government or with respect to any
9 relationship which he has had or has with a foreign govern-
10 ment, in any proceeding before a Federal grand jury, court
11 of the United States, or congressional committee, or to the
12 survivor or beneficiary of such person, for any period sub-
13 sequent to the date of such failure or refusal of such person
14 on the date of enactment of this Act, whichever is later,
15 any annuity or retired pay on the basis of the service of
16 such person as an officer or employee of the Government.
17 There shall not be paid to any such person, or to his sur-
18 vivor or beneficiary, for any period subsequent to the date
19 of such failure or refusal or the date of enactment of this Act,
20 whichever is later, any salary, pay, or compensation for
21 service as an officer or employee of the Government; and
22 any such person who occupies an office or position in the
23 service of the Government of the United States or the gov-
24 ernment of the District of Columbia shall be removed there-
25 from and thereafter prohibited from holding any office or

1 position in or under the Government of the United States
2 or the government of the District of Columbia.

3 (b) There shall not be paid to any person who, prior
4 to, on, or after the date of enactment of this Act, has made
5 or makes any false, fictitious, or fraudulent statement or
6 representation, or who, prior to, on, or after such date, has
7 concealed or conceals any material fact, with respect to his—

8 (1) past or present membership in, affiliation or
9 association with, or support of the Communist Party, or
10 any chapter, branch, or subdivision thereof, in or outside
11 the United States, or any other organization, party, or
12 group, or any individual, advocating (A) the over-
13 throw, by force, violence, or other unconstitutional
14 means, of the Government of the United States, (B)
15 the establishment in the United States of a Communist
16 totalitarian dictatorship, or (C) the right to strike
17 against the Government of the United States;

18 (2) conviction of any offense described in the first
19 section of this Act; or

20 (3) failure or refusal to appear, testify, or produce
21 any book, paper, record, or other document as specified
22 in subsection (a) of this section,

23 for any period subsequent to the date of enactment of this
24 Act or the date on which such statements are made, which-

1 ever is later, in connection with his application for an office
2 or position in or under the executive, legislative, or judicial
3 branch of the Government of the United States or the gov-
4 ernment of the District of Columbia, or to the survivor or
5 beneficiary of such person, any annuity or retired pay on the
6 basis of the service of such person as an officer or employee
7 of the Government.

8 SEC. 3. In the case of any such person, any amounts
9 contributed by him toward the annuity the benefits of
10 which are denied under this Act, less any sums previously
11 refunded or paid as annuity benefits, shall be returned,
12 upon appropriate application therefor, to such person, with
13 interest to date of conviction or the date of enactment of
14 this Act, whichever is later, at such rates as may be
15 provided in the case of refunds under the law, regula-
16 tion, or agreement under which the annuity is payable,
17 or if no such rates are so provided at the rate of 4 per
18 centum per annum to December 31, 1947, and 3 per centum
19 per annum thereafter, compounded on December 31 of each
20 year. In the event a person entitled to a refund under
21 this section dies prior to the making of such refund, the
22 refund shall be made to such person or persons as may
23 be provided in the case of refunds under the law, regu-
24 lation, or agreement under which the annuity the bene-
25 fits of which are denied under this Act is payable or, if

1 no such provision is made, in the order of preference pre-
2 scribed in section 12 (e) of the Civil Service Retirement Act
3 of 1930, as amended.

4 SEC. 4. No accountable officer of the Government of the
5 United States or of the government of the District of Colum-
6 bia shall be held responsible for payments made in violation
7 of the first section and section 2 of this Act when made in
8 due course and without negligence.

9 SEC. 5. As used in this Act—

10 (1) The term “officer or employee of the Government”
11 includes an officer or employee in or under the legislative,
12 executive, or judicial branch of the Government of the
13 United States, a Member of or Delegate to Congress, a
14 Resident Commissioner, an officer or employee of the gov-
15 ernment of the District of Columbia, and a member or former
16 member of the Armed Forces of the United States, including
17 the Regular and Reserve components thereof, the Fleet Re-
18 serve, the Fleet Marine Corps Reserve, the Coast and Geo-
19 detic Survey, and the Public Health Service.

20 (2) The term “annuity” means any retirement benefit
21 (other than any benefit provided under laws administered
22 by the Veterans’ Administration) payable by any depart-
23 ment or agency of the Government of the United States or
24 the government of the District of Columbia upon the basis
25 of service as a civilian officer or employee, except that such

1 term does not include salary or compensation which may
2 not be diminished under section 1 of article III of the Con-
3 stitution or, in the case of a benefit payable under the
4 Social Security Act, as amended, any portion of such benefit
5 not based upon service as an officer or employee of the Gov-
6 ernment of the United States or the government of the Dis-
7 trict of Columbia. The term "annuity" does not include any
8 retirement benefit of any person to whom such benefit has
9 been awarded or granted prior to the date of enactment of
10 this Act insofar as concerns the conviction of such person,
11 prior to such date, of any offense specified in the first section
12 of this Act or the failure or refusal of such person, prior to
13 such date, to appear, testify, or produce any book, paper,
14 record, or other document as specified in section 2 (a) of
15 this Act.

16 (3) The term "retired pay" means retired pay, retire-
17 ment pay, retainer pay, or equivalent pay (other than any
18 benefit provided under laws administered by the Veterans'
19 Administration), payable under any law of the United
20 States to members or former members of the Armed Forces
21 of the United States, including the Regular and Reserve
22 components thereof and the Fleet Reserve and the Fleet
23 Marine Corps Reserve, the Coast and Geodetic Survey, and
24 the Public Health Service. The term "retired pay" does not
25 include the retired pay, retirement pay, retainer pay, or

1 equivalent pay of any person to whom any such pay has
2 been awarded or granted prior to the date of enactment of
3 this Act insofar as concerns the conviction of such person,
4 prior to such date, of any offense specified in the first section
5 of this Act, or the failure or refusal of such person, prior
6 to such date, to appear, testify, or produce any book, paper,
7 record, or other document as specified in section 2 (a) of
8 this Act.

9 SEC. 6. This Act shall not be construed as restricting
10 authority under any other provision of law to deny or with-
11 hold benefits authorized by law.

12 SEC. 7. The President may drop from the rolls any
13 member of the Armed Forces, including the Regular and
14 Reserve components thereof, the Fleet Reserve, and the
15 Fleet Marine Corps Reserve, and any member of the Coast
16 and Geodetic Survey or of the Public Health Service, who
17 is deprived of retired pay under the provisions of this Act.

18 SEC. 8. If any provision of this Act, or the application
19 of such provision to any person or circumstance, shall be held
20 invalid, the remainder of this Act, or the application of such
21 provision to persons or circumstances other than those as to
22 which it is held invalid, shall not be affected thereby.

A BILL

To prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes.

By Mr. CRETIELLA

JULY 14, 1954

Referred to the Committee on Post Office and Civil Service

DENIAL OF FEDERAL ANNUITIES TO GOVERNMENT OFFICERS AND EMPLOYEES CONVICTED OF CERTAIN CRIMES

JULY 23, 1954.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. CRETELLA, from the Committee on Post Office and Civil Service, submitted the following

REPORT

[To accompany H. R. 9909]

The Committee on Post Office and Civil Service, to whom was referred the bill (H. R. 9909) to prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

(1) Page 3, line 14, strike out "paragraph." and insert in lieu thereof "paragraph;".

(2) Page 3, strike out line 15 and all that follows down to the semicolon in line 19 and insert in lieu thereof the following:

(4) Any offense defined in section 833, 861, or 862 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1325, 1330; D. C. Code, 1951 edition, secs. 22-1201, 22-701, 22-703).

(3) Page 4, lines 1 and 2, strike out "(32 Stat. 591, D. C. Code, 1901 edition, sec. 22-702)." and insert in lieu thereof "(32 Stat. 591; D. C. Code, 1951 edition, sec. 22-702)."

(4) Page 4, line 14, strike out "on" and insert in lieu thereof "or".

(5) Page 4, strike out line 17 and all that follows down through the period on page 5, line 2.

(6) Page 5, line 4, insert "knowingly and willfully" after "Act,".

(7) Page 5, line 12, strike out ", or any individual,".

(8) Page 5, line 24, strike out "on which such statements are made" and insert in lieu thereof "on which any such statement, representation, or concealment of fact is made or occurs".

(9) Page 6, strike out line 8 and all that follows down through the word "later" in line 14 and insert in lieu thereof the following:

SEC. 3. Any amounts contributed by any such person toward the annuity the benefits of which are denied under this Act, less any sums previously refunded or paid as annuity benefits, shall be returned to such person, upon appropriate application therefor, with interest to the date of his conviction of any offense described in the first section of this Act or of the commission by him of any violation of section 2 of this Act, as the case may be, or the date of enactment of this Act, whichever is later

(10) Page 6, line 20, after "year." insert the following:

Such person shall not be required to repay any annuity properly received by him which is in excess of the amount of his own contributions with interest.

(11) Page 7, after line 3, insert the following:

SEC. 4. The right to receive an annuity or retired pay shall be deemed restored to any person convicted, prior to, on, or after the date of enactment of this Act, of an offense which is specified in the first section of this Act or which constitutes a violation of section 2 of this Act, for which he is denied an annuity or retired pay, to whom a pardon of such offense is granted by the President of the United States, prior to, on, or after the date of enactment of this Act, and to the survivor or beneficiary of such person. Such restoration of the right to receive an annuity or retired pay shall be effective as of the date on which such pardon is granted. Any amounts refunded to such person under section 3 of this Act shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made for any period prior to the date on which such pardon is granted.

(12) Page 7, line 4, strike out "SEC. 4." and insert in lieu thereof "SEC. 5."

(13) Page 7, line 7, strike out "and" and insert in lieu thereof "or".

(14) Page 7, line 7, after the word "when" insert "such payments are".

(15) Page 7, line 9, strike out "SEC. 5." and insert in lieu thereof "SEC. 6."

(16) Page 8, strike out all of line 12 after the word "Act" and all that follows down through the period in line 15 and insert in lieu thereof ", or the commission by such person, prior to such date, of any violation of section 2 of this Act."

(17) Page 9, strike out all of line 5 after "Act," and all that follows down through the period in line 8 and insert in lieu thereof "or the commission by such person, prior to such date, of any violation of section 2 of this Act."

(18) Page 9, line 9, strike out "SEC. 6." and insert in lieu thereof "SEC. 7."

(19) Page 9, line 12, strike out "SEC. 7." and insert in lieu thereof "SEC. 8."

(20) Page 9, line 18, strike out "SEC. 8." and insert in lieu thereof "SEC. 9."

PURPOSE OF THE AMENDMENTS

The amendments set forth above are both substantive and technical in nature.

Amendments (1), (2), (3), (4), (8), (12), (13), (14), (15), (18), (19), and (20) are technical amendments which correct typographical errors or omissions in, or clarify the purpose of, the bill as introduced.

Amendment (5) removes from the bill as introduced a provision that any person who violates section 2 (a) of the bill thereafter shall be prohibited from holding any position under the United States or the

government of the District of Columbia. The purposes intended to be accomplished by such provision are now substantially accomplished under an existing Executive order.

Amendment (6) supplies language inadvertently omitted from the bill as introduced. This amendment clarifies the intention of the committee that the denial of any annuity or retired pay under section 2 (b) of the bill shall be based upon knowing and willful violation of such section.

Amendment (7) removes from section 2 (b) of the bill language which, in the judgment of the committee, might tend to justify the charge that annuities or retired pay could be denied, under this legislation, because of "guilt by association" with an individual, without any knowledge or intent that such association is improper or violates this section.

Amendment (9) is basically a conforming amendment which provides for refund of interest, as well as amounts contributed toward any annuities because of violations of section 2. The bill as introduced provides for refund of such interest, as well as the amount contributed, only in the case of conviction of an offense specified in the first section of this legislation.

Amendment (10) is a clarifying amendment. This amendment carries out the intent of the committee that a person denied an annuity under this legislation will not have to repay any annuity payments, which have been made to him in accordance with law, solely for the reason that the total amount of such annuity payments is in excess of the total amount such person has contributed to the fund from which such annuity payments were made. This amendment will not prevent collection of any annuity payments to which he is not entitled under this proposed legislation or any other law.

Amendment (11) provides, in substance, that a Presidential pardon shall restore the right to any annuity or retired pay which has been denied under this legislation. Under this amendment any person who before, on, or after the date of enactment of this legislation is convicted of a criminal offense specified in the first section, and who because of such conviction is denied any annuity or retired pay under this legislation, will, beginning with the date on which he is granted a Presidential pardon for such criminal offense, be eligible to receive such annuity or retired pay. Also, if any person who before, on, or after the date of enactment of this legislation has violated or violates section 2 of this legislation by an act or omission as specified therein and such act or omission also constitutes a crime for which he is convicted, such person will, beginning with the date on which he receives a Presidential pardon for such act or omission, be entitled to receive any annuity or retired pay which has been denied him under this legislation.

Amendments (16) and (17) exclude from the definitions of the terms "annuity" and "retired pay," as set forth in paragraphs (2) and (3), respectively, of section 6 of the bill, as reported, any annuity or retired pay awarded or granted before the date of enactment of this proposed legislation to a person who, prior to such date, has violated section 2 of the bill. Paragraphs (2) and (3) of this section (section 5 of the bill as introduced) provided for exclusion from such terms "annuity" and "retired pay" of any annuity or retired pay awarded or granted before the date of enactment of this proposed

legislation to any person who prior to such date was convicted of an offense specified in the first section, but made no such provision with respect to violations of section 2.

STATEMENT

The purpose of this legislation is to prohibit Federal annuities or retired pay to persons who commit offenses which in effect constitute breaches of faith in matters involving (1) the improper use of their authority, power, influence, or privileges as officers or employees of the United States or of the municipal government of the District of Columbia, or (2) the violation of criminal statutes relating to treason, sabotage, subversive activities, and perjury and other offenses related to their official duties.

Public hearings were held by the committee, as well as a number of conferences with representatives of the administration and several executive meetings, in order to work out a suitable solution to this very serious problem which has caused wide public concern. After considering all of the evidence, a bill was introduced, and has been reported with committee amendments as set forth above, incorporating the best features of 10 separate and widely varied bills which had been referred to the committee. This bill, as amended, also includes certain basic principles contained in a draft of legislation prepared by the Department of Justice and submitted by the Bureau of the Budget.

In general, this legislation will prohibit the award or grant, after date of enactment, of any Federal annuity or retired pay to any individual convicted of specified crimes as set forth in the Criminal Code of the United States or the District of Columbia Code. It will also prohibit such annuity or retired pay for any person who refuses on the grounds of self-incrimination to appear, testify, or produce any document in a proceeding before a Federal grand jury or court or before any congressional committee with respect to his present or former duties as an officer or employee of the United States.

In a broader sense, this legislation will exercise the greatest power and influence to clear the moral climate in which the business of the United States is transacted and to improve the ethical conduct of those individuals, both in and outside of the Government, who transact such business. It is noted, in this connection, that the Attorney General recently asked that the so-called conflict of interest statutes be strengthened. These statutes are included in the bill.

The first section of this legislation will prohibit payment of any annuity or retired pay to any person convicted of violating certain penal statutes relating to treason, sedition, and subversive activities; sabotage; espionage and censorship; bribery and graft; claims against the Government; contracts with the Government; control of fissionable material; and major postal depredations. This section also will prohibit any such annuity or retired pay to anyone who is convicted of a felony, under Federal or District of Columbia laws, which is related to his present or former duties as a Government officer or employee or who is convicted of perjury committed in (1) falsely testifying before any Federal grand jury or court with respect to his service for the Government or before any congressional committee, or (2) falsely denying any act which constitutes one of the penal offenses specified

above. A summary of such penal offenses specified in the first section of this legislation follows this statement.

Section 2 of this legislation will prohibit payment of any Federal annuity or retired pay to any person who on grounds of self-incrimination refuses to appear, testify, or produce any matter with respect to his service as an officer or an employee of the Government, in a proceeding before a Federal grand jury or court or any congressional committee. Section 2 also will prohibit payment of any annuity or retired pay to any person who, in connection with a Federal employment application, makes a false representation, or conceals a material fact, with respect to his past or present (1) communistic or subversive membership, affiliation, associations, or activities, (2) refusal to testify on grounds of self-incrimination as previously defined, or (3) conviction of any of the specified criminal offenses already discussed.

Wherever annuity or retired pay is denied an individual, it will also be denied any survivor.

In the case of annuities which are denied under this legislation, any amounts contributed to the annuity fund will be returned to the contributor upon appropriate application, with interest according to a formula recommended by the administration.

Accountable and disbursing officers of the Government will not be held liable for any payment made contrary to this legislation if made in due course and without negligence.

This legislation will apply to present or former officers or employees of the Government, including the Armed Forces as defined in the Career Compensation Act of 1949 and the Reserve Officers' Retirement Act (Public Law 810, 80th Cong.), as well as the Coast and Geodetic Survey and the Public Health Service. A Presidential pardon, however, will restore all annuity and retired pay rights lost by reason of the offense for which the pardon is granted, as pointed out in the explanation of amendment number (9), above.

This legislation will not cut off benefits provided under laws administered by the Veterans' Administration, nor will it apply to any compensation which may not be diminished under section 1, article III, of the Constitution (Judges of the Supreme Court, etc.), or social-security payments not related to Federal employment. It will not cut off retired pay or annuities which already are vested rights on the date of enactment, that is, annuities or retired pay which presently are being received by annuitants or retired persons or their survivors. This exclusion, however, does not apply to offenses specified in the first section or section 2 of this legislation which may be committed by any such person in the future.

There are a number of statutes, such as the Foreign Service Act, which grant individual administrative officials authority to cut off annuities, retired pay, or compensation on grounds other than those specified in this legislation. This legislation will not restrict such authority, but will be coextensive with it insofar as coverage of this bill extends.

The bill contains a "separability" clause so that if any part thereof is held invalid, the remainder will be applicable.

In the judgment of the committee this legislation is fair and just and will stand as a powerful and valuable deterrent to any individual who may be inclined in the future to break faith with his country in carrying out his official duties.

SUMMARY OF CERTAIN CRIMINAL STATUTES

Chapter 11—Bribery and graft

Section 201 provides a fine or up to 3 years' imprisonment, or both, for any person who offers or gives any money or other thing of value to any officer, employee, or person acting for the United States with intent to influence his official decision or action or to influence him to commit or take part in a fraud.

Section 202 provides the same penalty as section 201, plus forfeiture of and disqualification for any Federal position, for any officer, employee, or person acting for the United States to ask, accept, or receive any money or other thing of value with intent to have his official decision or action influenced thereby.

Section 203 provides a fine or up to 5 years' imprisonment, or both, for any person connected with the office of United States attorney or United States marshal who asks, accepts, or receives any fee or compensation for any official service except as provided by law.

Section 204 provides the same penalty as section 201 for any person who offers or gives any money or other thing of value to a Member of or Delegate to Congress or a Resident Commissioner, either before or after he has qualified, with intent to influence his action, vote, or decision on any question or matter which comes or may come before either House or any committee of Congress.

Section 205 provides the same penalty as section 204, plus forfeiture of and disqualification for any Federal position, for any Member of or Delegate to Congress or Resident Commissioner who asks, accepts, or receives any money or other thing of value with intent to have his action, vote, or decision influenced on any question or matter which comes or may come before Congress, either House or any committee thereof.

Section 206 provides a heavy fine or imprisonment up to 15 years, or both, plus disqualification for any Federal position, for any person who gives or offers any money or thing of value to any judge, juror, referee, arbitrator, appraiser, assessor, auditor, master, trustee, receiver, United States Commissioner, or other person authorized by Federal law to hear or determine any question or matter, with intent to influence his action, vote, opinion, or decision thereon.

Section 207 provides the same penalty as section 206 for any person holding one of the offices or positions described in section 206 who asks, accepts, or receives any money or other thing of value with intent to have his opinion, judgment, or decree influenced thereby.

Section 208 provides a fine or up to 2 years' imprisonment, or both, for any officer or employee described in section 206 (except a judge) who asks, receives, or agrees to receive any money or other thing of value with intent to be influenced thereby in his vote, opinion, action, judgment, or decision.

Section 209 provides a fine or up to 2 years' imprisonment, or both, for any person who gives or offers any money or other thing of value to any witness at any trial, hearings, or other proceeding before a United States court or officer authorized to take testimony with intent to influence his testimony or prevent his appearance to testify.

Section 210 provides the same penalty as section 209 for any such witness who asks or receives any money or other thing of value with

intent to have his testimony influenced thereby or to absent himself as a result thereof.

Section 211 provides a fine or imprisonment up to 2 years, or both, for any importer who gives or offers any money or thing of value to any revenue officer.

Section 212 provides a fine or imprisonment up to 2 years, or both, for any person who gives or offers any money or thing of value to an employee of the United States in consideration of an act or omission contrary to law in connection with any importation or who by threats or demands or promises attempts improperly to influence or control any such officer or employee of the United States in the performance of his official duties.

Section 213 provides the same penalty as section 212 for any officer or employee of the United States who asks, accepts, or receives any money or thing of value, except as fixed by law, for performing or omitting any act with respect to an import.

Section 216 provides a fine or imprisonment up to 2 years, or both, plus disqualification from holding any Federal position, for any Member of or Delegate to Congress or Resident Commissioner or any Federal officer or employee to take, receive, or agree to receive any money or thing of value for procuring for any person any contract from the United States, or for aiding the procurement or procuring of any such contract. The President may declare any such contract void.

Section 217 provides a fine or imprisonment up to 1 year, or both, for any officer or director or employee of a Federal Reserve bank or a bank with deposits insured by FDIC, or any national agricultural credit corporation, who makes a loan or gives any gratuity to the bank examiner who examines such bank. This applies to all examiners who examine member banks of the Federal Reserve System, federally insured banks, or national agricultural credit corporations, but not to private examiners employed only by a clearinghouse association.

Section 218 provides the same penalty as section 217 for any examiner who accepts a loan or gratuity from any bank, corporation, association, or organization examined by him.

Section 219 provides a fine or up to 1 year imprisonment, or both, for any person who "stipulates for or gives or receives" any fee, commission, bonus, or thing of value for procuring a loan, extension of credit, or discount from a Federal Reserve bank.

Section 220 provides the same penalty as section 219 for any officer, director, employee, agent, or attorney of any federally insured bank or national agricultural credit corporation (except as provided by law) who "stipulates for or receives" any fee, commission, gift, or thing of value for procuring a loan for any person.

Section 221 provides the same penalty as section 220 for any officer, director, attorney, or employee of a national farm loan association, a Federal land bank, or a joint stock land bank organized under United States laws, who is the beneficiary of or receives any fee, commission, bonus, gift, or other consideration not authorized by law.

Section 222 provides a fine and imprisonment up to 1 year, or both, for any officer or employee of the United States who accepts any fee, gift, or other consideration in connection with the compromise of any farm indebtedness.

Section 223 provides a fine and imprisonment up to 2 years, or both, for any person or firm which receives any fee or consideration from any person applying to Home Owners Loan Corporation for a loan.

(NOTE.—The HOLC has been wound up.)

Chapter 15—Claims and services in matters affecting the Government

Section 281 provides a fine or imprisonment up to 2 years, or both, and disqualification for holding any Federal position, for any Member of or Delegate to Congress or Resident Commissioner (either before or after qualification) and for any officer or employee of the United States who receives any compensation for services related to any proceeding, arrest contract, claim, and so forth in which the United States is a party or is interested before any department, court-martial, officer, or commission. Retired officers of the Armed Forces while not on active duty are generally exempt from this section, but this does not allow such a person to represent anyone in selling to the department from which he is retired. This section does not apply to anyone because of membership in the National Guard of the District of Columbia or who is otherwise exempted by act of Congress.

Section 282 provides a fine and up to 2 years' imprisonment, or both, plus disqualification from holding any Federal position, for any Member of or Delegate to Congress or Resident Commissioner who practices in the Court of Claims.

Section 283 provides a fine and up to 1 year imprisonment, or both, for any officer or employee of the Government who acts as agent or attorney to prosecute any claim against the United States or aids the prosecution of such claim, otherwise than in the proper discharge of official duties, or who receives any gratuity or share in any such claim in consideration of his assistance. An exemption is provided for this section for retired officers of the Armed Forces, similar to that provided under section 281.

Section 284 provides a fine or up to 1 year of imprisonment, or both, for any former officer or employee of the United States (including commissioned officers) who within 2 years after separation prosecutes, or acts as attorney or agent for prosecuting, any claim against the United States involving a subject matter directly connected with his former employment or duty.

Section 285 provides a fine or imprisonment up to 5 years, or both, for any person (a) who takes from its proper place any paper or document under control of the United States prepared, fitted, or intended for use or presentation to procure the payment of money by the United States or the allowance of any claim or demand against the United States or (b) who presents or uses any such paper or document to procure the payment of any money by the United States or the allowance or payment of any claim or part thereof.

Section 286 provides a fine or up to 10 years' imprisonment, or both, for any person who conspires to defraud the United States by obtaining or aiding in obtaining the payment of any false, fictitious, or fraudulent claim against the United States.

Section 287 provides a fine or up to 5 years' imprisonment, or both, for any person who makes or presents any false, fictitious, or fraudulent claim against the United States knowing such claim to be false.

Chapter 23—Contracts

Section 434 provides a fine or imprisonment up to 2 years, or both, for anyone who is an agent or officer of the United States for the transaction of business with any business entity and at the same time is an officer, agent, or member of such entity.

Section 435 provides a fine or imprisonment up to 1 year, or both, for any officer or employee of the United States who knowingly contracts for any public building which will cost in excess of the specific sum appropriated therefor.

Section 436 provides a fine or imprisonment up to 3 years, or both, for any officer or employee of the United States who contracts, or permits any penal official to arrange, for the hiring of labor of any prisoner confined for violation of a Federal statute.

Section 441 provides a fine or up to 1 year's imprisonment, or both, for entering into a combination to prevent a bid or to fix a price for furnishing postal supplies.

Section 442 provides a fine or up to 1 year's imprisonment, or both, for the Public Printer or Superintendent of Documents, or any assistant, who is interested in any newspaper or periodical, printing, or engraving, or contract for furnishing paper or other material for the public printing.

Section 443 provides a fine for corporations, and a fine or up to 5 years' imprisonment, or both, for a natural person, for anyone who willfully secretes or destroys war-contract records.

Chapter 37—Espionage and censorship

Section 791 provides that this chapter applies within the admiralty and maritime jurisdiction of the United States and on the high seas, as well as within the United States.

Section 792 provides a fine or up to 10 years' imprisonment, or both, for anyone who harbors any person he knows or has grounds to believe has committed or is about to commit an offense under the following two sections which deal with gathering, transmitting, or losing defense information, or obtaining such information for a foreign government.

Section 793 provides a fine or up to 10 years' imprisonment, or both, for each person who (a) obtains national-defense information with intent to use it to injure the United States or to aid any foreign nation; (b) with the intent set forth in subsection (a) copies or reproduces any matter or matters relating to national defense; (c) with such intent obtains, or attempts to obtain any document, sketch, or photograph, etc., of anything connected with the national defense if he knows or has reason to believe that the disposition of such document, sketch, or photograph, etc., is contrary to the provisions of this section; (d) has possession of or access to any such document, sketch, or photograph, etc., with reason to believe it could be used to injure the United States or the advantage of a foreign nation, and willfully delivers it to any unauthorized person, retains it and fails to deliver it to the proper officer of the United States; (e) having unlawful possession of or access to any such document, sketch, or photograph, etc., disposes of it otherwise than in accordance with the lawful procedure, or (f) having lawful possession of any such document, sketch, or photograph, etc., through negligence permits it to be

removed or knowing that it has been illegally removed from its proper place fails to report it promptly to his superior officer.

Section 794 provides (a) up to 20 years' imprisonment in time of peace, and death or up to 30 years' imprisonment in time of war, for anyone who, with intent or reason to believe that it will be used to injure the United States or the advantage of a foreign nation, delivers to a foreign nation any document, sketch, or photograph, etc., relating to the national defense, and (b) death or imprisonment for up to 30 years for anyone who in time of war, with intent that the same shall be communicated to an enemy, collects, publishes, or communicates information with respect to movement, numbers, description, condition, or disposition of any of the Armed Forces, ships, aircraft, or war materials of the United States.

Section 795 provides a fine or up to 1 year imprisonment, or both, for anyone who makes any photograph, sketch, or map, etc., of any military or naval installation or equipment with respect to which the President has restricted general dissemination of information.

Section 796 provides a fine or up to 1 year imprisonment, for anyone who uses or permits the use of aircraft or other means to photograph or sketch vital military and naval installations or equipment in violation of the preceding section.

Section 797 provides a fine or imprisonment up to 1 year, or both, for anyone who reproduces or disposes of any photograph, sketch, or map, etc., prohibited by section 795.

Section 798 provides a fine or up to 10 years' imprisonment, or both, for anyone who knowingly gives an unauthorized person, or publishes or uses contrary to the interests of the United States or the benefit of any foreign government, classified information concerning codes or ciphers, the design, construction, or use of any cryptographic devices, communication intelligence activities, or classified information obtained by communication intelligence from a foreign government.

Chapter 83—Postal service

Section 1702 provides a fine or imprisonment up to 5 years, or both, for anyone who takes any letter or postal matter out of any authorized place for mail matter with design to obstruct or pry into it, or anyone who opens, secretes, embezzles, or destroys the same.

Section 1703 provides a fine or imprisonment up to 1 year, or both, for any postmaster or postal employee who unlawfully detains, delays, opens, secretes, or destroys any mail entrusted to him, or permits any other person to do so.

(The next five sections were not included in the bill, but it is believed the members of the subcommittee will wish to consider them for possible inclusion.)

Section 1704 provides a fine or imprisonment up to 10 years, or both, for anyone who steals a key to a mailbag, lockbox, or other postal receptacle, or who knowingly and unlawfully makes or counterfeits any such key or possesses one with intent to use it unlawfully. The penalty also applies to any contractor or manufacturer who delivers to any unauthorized person a lock or key which is designed for use by the Post Office Department.

Section 1705 provides a fine or imprisonment up to 3 years for anyone who willfully or maliciously destroys any mailbox or any other mail receptacle, or any mail therein.

Section 1706 provides a fine or up to 3 years' imprisonment, or both for anyone who mutilates a mailbag or other receptacle or breaks any lock or other means of enclosing it.

Section 1707 provides a fine or up to 3 years' imprisonment, or both, for anyone who steals any postal property or equipment.

Section 1712 provides a fine or imprisonment up to 2 years, or both, for a postmaster or postal employee who makes a false statement of postal returns for the purpose of increasing his compensation.

Section 1708 provides a fine or up to 5 years' imprisonment, or both, for anyone who steals or wrongfully takes any mail from a mail receptacle or place of collection, or who unlawfully receives or possesses any such mail.

Section 1709 provides a fine or imprisonment up to 5 years, or both, for any postmaster or postal employee who embezzles any mail or takes anything therefrom.

Section 1711 provides a fine or imprisonment up to 10 years, or both for any postmaster or postal employee who loans, uses, pledges, converts to his own use, or exchanges for other things, except as authorized by law, any money or property coming into his hands in the course of official employment. This crime is defined as embezzlement. If the amount or value does not exceed \$100, the imprisonment is limited to 1 year.

Chapter 105—Sabotage

Section 2151 includes comprehensive definitions of war material, war premises, war utilities, associate nation, national-defense material, national-defense premises, and national-defense utilities.

Section 2152 provides a fine or imprisonment up to 5 years, or both, for anyone who willfully trespasses on, injures, or destroys any submarine mine, torpedo, fortification, or harbor defense of the United States, interferes with the operation thereof, or willfully violates any Presidential order governing persons or vessels in the defensive sea areas of the United States.

Section 2153 provides a fine or imprisonment up to 30 years, or both, for anyone who when the United States is at war and with intent to injure or interfere with or obstruct the United States or its allies in carrying on the war willfully injures or destroys, or attempts to destroy, any war material or utility.

Section 2154 provides the same penalty for making or causing to be made in a defective manner any item of war material or equipment.

Section 2155 provides a fine or imprisonment up to 10 years, or both, for anyone who with intent to injure the national defense of the United States willfully destroys any national defense material, premises, or utility.

Section 2156 provides the same penalty for making or attempting to make in a defective manner any national defense material or equipment.

Chapter 115—Treason, sedition, and subversive activities

Section 2381 provides the death penalty, or imprisonment for not less than 5 years, a fine, and disqualification for any office under the United States, for anyone owing allegiance to the United States who levies war against the United States or adheres to their enemies.

Section 2382 provides a fine or imprisonment up to 7 years, or both, for anyone owing allegiance to the United States who has knowledge of any treason against the United States and fails to disclose it.

Section 2383 provides a fine or imprisonment up to 10 years, or both, and disqualification for any office under the United States, for anyone who incites or engages in rebellion against the United States or its laws.

Section 2384 provides a fine or imprisonment up to 6 years, or both, for persons subject to jurisdiction of the United States who conspire to overthrow the Government by force, to levy war against them, or otherwise to oppose their authority.

Section 2385 provides a fine or imprisonment up to 10 years, or both, and disqualification for employment under the United States for a period of 5 years, for anyone who (a) knowingly or willfully advocates overthrowing the Government by force or violence, (b) with such intent prints or distributes any matter so advocating, or (c) organizes or helps organize any society or group for the purpose.

Section 2386 provides a fine or imprisonment up to 5 years, or both, for whoever violates the law requiring registration of certain organizations with the Attorney General or in a statement filed under this section willfully makes any false statement or omits any material fact. Organizations required to register with the Attorney General under this section are those (a) subject to foreign control which are engaged in political activity, (b) which engage in civilian military activity and political activity, (c) subject to foreign control which engage in civilian military activity only, and (d) the purpose of which is the establishment or overthrow of a government by the use of force or violence. Definitions and the requirements of registration statements also are set forth. United States Armed Forces, National Guard units, law-enforcement agencies, and national veterans' organizations, and the diplomatic missions and consular offices of foreign governments are not required to register under this section.

Section 2387 provides a fine or imprisonment up to 10 years, or both, plus disqualification for Federal employment for 5 years, for anyone who with intent to impair the loyalty or morale of military or naval forces causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty.

Section 2388 provides a fine or imprisonment up to 20 years, or both, for anyone who, when the United States is at war, willfully makes or conveys false reports with intent to impede military or naval forces or operations or help our enemies, or causes or attempts to cause any insubordination, disloyalty, mutiny, or refusal of duty. Whoever harbors or conceals any such person is subject to a fine or imprisonment up to 10 years, or both.

Section 2389 provides a fine or imprisonment up to 5 years, or both, for anyone who recruits soldiers or sailors to engage in armed hostility against the United States.

Section 2390 provides a fine or imprisonment up to 3 years, or both, for anyone who enlists with intent to serve in armed hostility against the United States.

Atomic energy

Sections 1810 and 1816, title II, United States Code (line 13, p. 2, of the bill), are in chapter 14, title 42, headed "Development and Control of Atomic Energy."

Section 1810 provides fines ranging from \$10,000 to \$20,000 or imprisonment for terms ranging from 10 years to 20 years, or both, for anyone who lawfully or unlawfully communicates or discloses "restricted data," or acquires any paper, sketch, plan, or instrument, etc., involving such restricted data, with intent to injure the United States or secure advantage to a foreign nation, or who conspires to do so. "Restricted data" is data concerning the manufacture or utilization of atomic weapons, production of fissionable material, or use thereof in the production of power; it does not include data approved by the Commission for publication. Maximum punishment is death or imprisonment for life, imposed only upon the recommendation of a jury and only in cases where the offense was committed with the intent to injure the United States. The same penalty applies to anyone who for such wrongful purposes removes, conceals, alters, mutilates, or destroys anything involving restricted data and used in connection with the production of fissionable material for research or development relating to atomic energy conducted by the United States or financed by Federal funds.

Section 1816 provides a fine or up to 5 years' imprisonment, or both (except when the offense is committed with intent to injure the United States or secure an advantage to a foreign nation, the maximum penalty is death or life imprisonment to be imposed upon recommendation of the jury and in cases where the offense was committed with the intent to injure the United States), for any person who willfully violates section 1804 (b) which prohibits any person to own any facilities to produce fissionable material, 1804 (c) which prohibits the manufacture, production, or transfer of any fissionable material, or 1805 (a) which establishes detailed conditions for control of fissionable material.

The report of the Bureau of the Budget, and a statement of the Civil Service Commission, with respect to this legislation are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., July 16, 1954.

HON. EDWARD H. REES,
Chairman, Committee on Post Office and Civil Service,
House of Representatives, Old House Office Building,
Washington 25, D. C.

MY DEAR MR. CHAIRMAN: This will confirm telephone conversations with staff of the committee and with Mr. Cretella, chairman of the subcommittee which has had under consideration the subject matter contained in H. R. 9909, introduced by Mr. Cretella on July 14, 1954.

The Bureau has examined the provisions of H. R. 9909 and believes that they are adequate to bring about the denial of annuity to officers and employees of the Government who are convicted of certain offenses or who otherwise, in effect, violate their oaths of office or the public trust reposed in them. The Bureau supports adoption of a policy of such denial by legislative enactment.

Sincerely yours,

ROWLAND HUGHES, *Director.*

STATEMENT RECEIVED FROM MR. JOHN W. MACY, JR., EXECUTIVE DIRECTOR,
CIVIL SERVICE COMMISSION

This is the position of the Civil Service Commission on H. R. 9909:
"H. R. 9909 has the objective of denying annuities and retired pay to persons convicted of felonies. This objective is in harmony with the position of the administration."

H. R. 9909

[Report No. 2488]

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 1954

Mr. CRETELLA introduced the following bill; which was referred to the Committee on Post Office and Civil Service

JULY 23, 1954

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That there shall not be paid to any person convicted prior
4 to, on, or after the date of enactment of this Act of any of
5 the following offenses described in this section, or to the
6 survivor or beneficiary of such person so convicted, for any
7 period subsequent to the date of such conviction or the date
8 of enactment of this Act, whichever is later, any annuity
9 or retired pay on the basis of the service of such person as
10 an officer or employee of the Government:

1 (1) Any offense defined in section 201, 202, 203, 204,
2 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 217,
3 218, 219, 220, 221, 222, or 223 of chapter 11 (relating to
4 bribery and graft), section 281, 282, 283, 284, 285, 286,
5 or 287 of chapter 15 (relating to claims and services in mat-
6 ters affecting government), section 434, 435, 436, 441,
7 442, or 443 of chapter 23 (relating to contracts), chapter
8 37 (relating to espionage and censorship), section 1700,
9 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1711,
10 or 1712 of chapter 83 (relating to offenses involving the
11 postal service), chapter 105 (relating to sabotage), or
12 chapter 115 (relating to treason, sedition, and subversive
13 activities) of title 18 of the United States Code or in section
14 10 or 16 of the Atomic Energy Act of 1946 (42 U. S. C.,
15 secs. 1810 and 1816) ;

16 (2) Any offense (not including any offense within
17 the purview of section 13 of title 18 of the United States
18 Code) which is a felony under the laws of the United States
19 or of the District of Columbia (A) committed in the exer-
20 cise of his authority, influence, power, or privileges as an
21 officer or employee of the Government, or (B) committed
22 after the termination of his service as an officer or employee
23 of the Government but directly involving, directly resulting
24 from, or directly relating to, the improper exercise of his

1 authority, influence, power, or privileges during any period
 2 of his service as such an officer or employee;

3 (3) Perjury committed under the laws of the United
 4 States or of the District of Columbia (A) in falsely deny-
 5 ing the commission of an act which constitutes any of the
 6 offenses described in paragraph (1) or (2) of this section,
 7 (B) in falsely testifying before any Federal grand jury
 8 or court of the United States with respect to his service
 9 as an officer or employee of the Government, or (C) in
 10 falsely testifying before any congressional committee in con-
 11 nection with any matter under inquiry before such con-
 12 gressional committee; or subornation of perjury committed
 13 in connection with the false denial or false testimony of
 14 another person as specified in this ~~paragraph.~~ *paragraph*;

15 ~~(4) Any offense defined in section 833, 861, or 862~~
 16 ~~of an Act entitled "An Act to establish a code of law for~~
 17 ~~the District of Columbia" approved March 3, 1901 (31 Stat.~~
 18 ~~1330, D. C. Code, 1954 edition, secs. 22-1201, 122-701, 22-~~
 19 ~~703)~~ *(4) Any offense defined in section 833, 861, or 862*
 20 *of the Act entitled "An Act to establish a code of law for the*
 21 *District of Columbia", approved March 3, 1901 (31 Stat.*
 22 *1325, 1330; D. C. Code, 1951 edition, secs. 22-1201,*
 23 *22-701, 22-703); or in the second paragraph under the*
 24 *subheading "FOR EXECUTIVE OFFICE" under the caption*

1 "GENERAL EXPENSES" in the first section of the Act
 2 entitled "An Act making appropriations to provide for the
 3 expenses of the government of the District of Columbia for
 4 the fiscal year ending June thirtieth, nineteen hundred and
 5 three, and for other purposes", approved July 1, 1902
 6 ~~(32 Stat. 591, D. C. Code, 1901 edition, sec. 22-702)~~
 7 *(32 Stat. 591; D. C. Code, 1951 edition, sec. 22-702).*

8 SEC. 2. (a) There shall not be paid to any person who
 9 has failed or refused, or fails or refuses, prior to, on, or after
 10 the date of enactment of this Act, upon the ground of self-
 11 incrimination, to appear, testify, or produce any book, paper,
 12 record, or other document, with respect to his service as an
 13 officer or employee of the Government or with respect to any
 14 relationship which he has had or has with a foreign govern-
 15 ment, in any proceeding before a Federal grand jury, court
 16 of the United States, or congressional committee, or to the
 17 survivor or beneficiary of such person, for any period sub-
 18 sequent to the date of such failure or refusal of such person
 19 ~~on~~ or the date of enactment of this Act, whichever is later,
 20 any annuity or retired pay on the basis of the service of
 21 such person as an officer or employee of the Government.
 22 There shall not be paid to any such person, or to his sur-
 23 vivor or beneficiary, for any period subsequent to the date
 24 of such failure or refusal or the date of enactment of this Act,

1 ~~whichever~~ is later, any salary, pay, or compensation for
2 service as an officer or employee of the Government; and
3 any such person who occupies an office or position in the
4 service of the Government of the United States or the gov-
5 ernment of the District of Columbia shall be removed there-
6 from and thereafter prohibited from holding any office or
7 position in or under the Government of the United States
8 or the government of the District of Columbia.

9 (b) There shall not be paid to any person who, prior
10 to, on, or after the date of enactment of this Act, *knowingly*
11 *and willfully* has made or makes any false, fictitious, or
12 fraudulent statement or representation, or who, prior to, on,
13 or after such date, has concealed or conceals any material
14 fact, with respect to his—

15 (1) past or present membership in, affiliation or
16 association with, or support of the Communist Party, or
17 any chapter, branch, or subdivision thereof, in or outside
18 the United States, or any other organization, party, or
19 ~~group, or any individual, advocating group advocating~~
20 (A) the overthrow, by force, violence, or other uncon-
21 constitutional means, of the Government of the United
22 States, (B) the establishment in the United States of a
23 Communist totalitarian dictatorship, or (C) the right to
24 strike against the Government of the United States;

1 (2) conviction of any offense described in the first
2 section of this Act; or

3 (3) failure or refusal to appear, testify, or produce
4 any book, paper, record, or other document as specified
5 in subsection (a) of this section,

6 for any period subsequent to the date of enactment of this
7 Act or the date ~~on which such statements are made, which~~
8 ~~ever~~ *on which any such statement, representation, or conceal-*
9 *ment of fact is made or occurs, whichever* is later, in con-
10 nection with his application for an office or position in or
11 under the executive, legislative, or judicial branch of the
12 Government of the United States or the government of
13 the District of Columbia, or to the survivor or beneficiary
14 of such person, any annuity or retired pay on the basis of
15 the service of such person as an officer or employee of the
16 Government.

17 SEC. 3. ~~In the case of any such person, any amounts~~
18 ~~contributed by him toward the annuity the benefits of~~
19 ~~which are denied under this Act, less any sums previously~~
20 ~~refunded or paid as annuity benefits, shall be returned,~~
21 ~~upon appropriate application therefor, to such person, with~~
22 ~~interest to date of conviction or the date of enactment of~~
23 ~~this Act, whichever is later.~~ *Any amounts contributed by any*
24 *such person toward the annuity the benefits of which are*

1 *denied under this Act, less any sums previously refunded*
2 *or paid as annuity benefits, shall be returned to such person,*
3 *upon appropriate application therefor, with interest to the*
4 *date of his conviction of any offense described in the first*
5 *section of this Act or of the commission by him of any viola-*
6 *tion of section 2 of this Act, as the case may be, or the date of*
7 *enactment of this Act, whichever is later, at such rates as may*
8 *be provided in the case of refunds under the law, regula-*
9 *tion, or agreement under which the annuity is payable,*
10 *or if no such rates are so provided at the rate of 4 per*
11 *centum per annum to December 31, 1947, and 3 per centum*
12 *per annum thereafter, compounded on December 31 of each*
13 *year. Such person shall not be required to repay any*
14 *annuity properly received by him which is in excess of the*
15 *amount of his own contributions with interest. In the*
16 *event a person entitled to a refund under this sec-*
17 *tion dies prior to the making of such refund, the*
18 *refund shall be made to such person or persons as may*
19 *be provided in the case of refunds under the law, regu-*
20 *lation, or agreement under which the annuity the bene-*
21 *fits of which are denied under this Act is payable or, if*
22 *no such provision is made, in the order of preference pre-*
23 *scribed in section 12 (e) of the Civil Service Retirement Act*
24 *of 1930, as amended.*

1 *SEC. 4. The right to receive an annuity or retired pay*
 2 *shall be deemed restored to any person convicted, prior to,*
 3 *on, or after the date of enactment of this Act, of an offense*
 4 *which is specified in the first section of this Act or which con-*
 5 *stitutes a violation of section 2 of this Act, for which he is de-*
 6 *nied an annuity or retired pay, to whom a pardon of such*
 7 *offense is granted by the President of the United States, prior*
 8 *to, on, or after the date of enactment of this Act, and to the*
 9 *survivor or beneficiary of such person. Such restoration of*
 10 *the right to receive an annuity or retired pay shall be effec-*
 11 *tive as of the date on which such pardon is granted. Any*
 12 *amounts refunded to such person under section 3 of this Act*
 13 *shall be redeposited before credit is allowed for the period or*
 14 *periods of service covered by the refund. No payment of*
 15 *annuity or retired pay shall be made for any period prior to*
 16 *the date on which such pardon is granted.*

17 *SEC. 4-5. No accountable officer of the Government of*
 18 *the United States or of the government of the District of*
 19 *Columbia shall be held responsible for payments made in*
 20 *violation of the first section and or section 2 of this Act when*
 21 *such payments are made in due course and without negligence.*

22 *SEC. 5 6. As used in this Act—*

23 (1) The term “officer or employee of the Government”
 24 includes an officer or employee in or under the legislative,
 25 executive, or judicial branch of the Government of the

1 United States, a Member of or Delegate to Congress, a
2 Resident Commissioner, an officer or employee of the gov-
3 ernment of the District of Columbia, and a member or former
4 member of the Armed Forces of the United States, including
5 the Regular and Reserve components thereof, the Fleet Re-
6 serve, the Fleet Marine Corps Reserve, the Coast and Geo-
7 detic Survey, and the Public Health Service.

8 (2) The term “annuity” means any retirement benefit
9 (other than any benefit provided under laws administered
10 by the Veterans’ Administration) payable by any depart-
11 ment or agency of the Government of the United States or
12 the government of the District of Columbia upon the basis
13 of service as a civilian officer or employee, except that such
14 term does not include salary or compensation which may
15 not be diminished under section 1 of article III of the Con-
16 stitution or, in the case of a benefit payable under the
17 Social Security Act, as amended, any portion of such benefit
18 not based upon service as an officer or employee of the Gov-
19 ernment of the United States or the government of the Dis-
20 trict of Columbia. The term “annuity” does not include any
21 retirement benefit of any person to whom such benefit has
22 been awarded or granted prior to the date of enactment of
23 this Act insofar as concerns the conviction of such person,
24 prior to such date, of any offense specified in the first section
25 of this Act or the failure or refusal of such person, prior to

1 such date, to appear, testify, or produce any book, paper,
2 record, or other document as specified in section 2 (a) of
3 this Act, or the commission by such person, prior to such
4 date, of any violation of section 2 of this Act.

5 (3) The term "retired pay" means retired pay, retire-
6 ment pay, retainer pay, or equivalent pay (other than any
7 benefit provided under laws administered by the Veterans'
8 Administration), payable under any law of the United
9 States to members or former members of the Armed Forces
10 of the United States, including the Regular and Reserve
11 components thereof and the Fleet Reserve and the Fleet
12 Marine Corps Reserve, the Coast and Geodetic Survey, and
13 the Public Health Service. The term "retired pay" does not
14 include the retired pay, retirement pay, retainer pay, or
15 equivalent pay of any person to whom any such pay has
16 been awarded or granted prior to the date of enactment of
17 this Act insofar as concerns the conviction of such person,
18 prior to such date, of any offense specified in the first section
19 of this Act, or the failure or refusal of such person, prior
20 to such date, to appear, testify, or produce any book, paper,
21 record, or other document as specified in section 2 (a) of
22 this Act or the commission by such person, prior to such
23 date, of any violation of section 2 of this Act.

24 SEC. 6 7. This Act shall not be construed as restricting

1 authority under any other provision of law to deny or with-
2 hold benefits authorized by law.

3 SEC. 7 8. The President may drop from the rolls any
4 member of the Armed Forces, including the Regular and
5 Reserve components thereof, the Fleet Reserve, and the
6 Fleet Marine Corps Reserve, and any member of the Coast
7 and Geodetic Survey or of the Public Health Service, who
8 is deprived of retired pay under the provisions of this Act.

9 SEC. 8 9. If any provision of this Act, or the application
10 of such provision to any person or circumstance, shall be held
11 invalid, the remainder of this Act, or the application of such
12 provision to persons or circumstances other than those as to
13 which it is held invalid, shall not be affected thereby.

83^d CONGRESS
2^d Session

H. R. 9909

[Report No. 2488]

A BILL

To prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes.

By Mr. CRETTELLA

JULY 14, 1954

Referred to the Committee on Post Office and Civil Service

JULY 23, 1954

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued August 4, 1954
For actions of August 3, 1954
83rd-2nd, No. 148

CONTENTS

Appropriations.....18	Insects.....4	REA.....27
Atomic energy.....27,30	Labor standards.....40	Retirement.....9,26
CCC.....2,17,19	Lands, reclamation.3,10,22	Roads.....32
Coffee.....15,28	transfer.....13,23	Surplus commodities..17,33
Committee staffs.....16	Legislative program.....25	Taxation.....35
Commodity exchanges.....15	Life insurance.....9	Textiles.....31
Dual compensation.....9	Loans, farm.....1,3	Transportation.....7,11
Education.....37	Mexican fence.....20	Travel.....11
Family-size farms.....14	Minerals.....38	Vocational rehabilitation
Farm program.....24,25,34	Monopolies.....27	39
Flammable fabrics.....12	Nomination.....19	Water compact.....8
Foreign aid.....17	Personnel.....9,26,29	Water facilities.....1
Forestry.....5,21,24,36	Plant diseases.....4	Water resources.....6
Grain.....2	Prices, support.....29,30	

HIGHLIGHTS: House passed bills to: Cooperate with Mexico and Canada on insect and plant-disease control, authorize long-term leases for forest lands, permit CCC corn sales at lower prices, provide group life insurance for Federal employees, authorize Interior to make loans for reclamation projects. House concurred in Senate corrections of water-facilities loans bill. Reps. Hope and McCormack discussed bill to extend Commodity Exchange Act to coffee. Rep. Patman urged Government aid for family-size farms. Senate passed mutual security bill. Senate debated supplemental appropriation bill, agreeing to committee amendments and further increase in FHA loans. Senate confirmed Butz nomination to CCC Board. Senate committee ordered reported Mexican boundary fence bill. Sen. Knowland announced that debate will begin today on farm program bill.

HOUSE

1. WATER-FACILITIES LOANS. Agreed to the Senate corrections of S. 3137, to amend the Water Facilities Act (pp. 12415-6). This bill will now be sent to the President.
2. CCC GRAIN. Passed as reported H. J. Res. 563, to authorize CCC, until Mar. 1, 1955, to sell at the point of storage any feed grain owned by the Corporation at 10% above the current support price for the commodity (p. 12442). The Agriculture Committee reported the measure with amendment earlier in the day (H. Rept. 2609)(p. 12455).
3. RECLAMATION LOANS. Passed as reported H. R. 5301, under which State and local public agencies could plan, construct, and operate projects costing not over \$5 million and receive substantially the same benefits as they would receive if the projects were being constructed as Federal reclamation projects. The bill authorizes the Interior Department to make loans for that portion of a project which would be reimbursable if it were being constructed as a Federal project, and grants for that portion of the project which would be nonreimbursable if it were being constructed as a Federal project. (pp. 12438-40.)
4. INSECTS; PLANT DISEASES. Passed without amendment S. 3697, to authorize

cooperation with Canada or Mexico, or local authorities in those countries, in the control of incipient or emergency outbreaks of insect pests and plant diseases (p. 12383). This bill will now be sent to the President.

5. FORESTRY. Passed as reported H. R. 1254, which authorizes the issuance by Federal agencies of permits, leases, or easements to States or local governments for periods not to exceed 30 years, on lands within their respective jurisdictions (p. 12382).
6. WATER RESOURCES. Passed as reported H. R. 2843, to authorize the Interior Department to investigate and report to Congress on the conservation, development, and utilization of water resources in Hawaii (p. 12381).
7. TRANSPORTATION. Passed without amendment H. R. 6310, to exempt from CAB regulations the transportation of livestock, fish, floricultural, and horticultural commodities (p. 12384).
8. WATER COMPACT. Passed without amendment S. 3699, approving an interstate compact regarding Sabine River waters (p. 12388). This bill will now be sent to the President.
9. PERSONNEL. Passed without amendment S. 3681, authorizing the Civil Service Commission to make available group life insurance for Federal employees (pp. 12421-7). This bill will now be sent to the President. For its provisions see Digest 126.

Passed as reported H. R. 7785, to make permanent the increases in regular annuities under the Civil Service Retirement Act which were granted by Public Law 555, 82nd Cong., and extend such increases to additional annuities purchased by voluntary contributions (p. 12392).

Passed as reported H. R. 9909, to prohibit payment of annuities, under the Civil Service Retirement Act, to Federal officers and employees convicted of certain crimes (pp. 12412-4).

Passed without amendment H. R. 5718, to limit to 6 years the period for collection by the Government of compensation received by officers and employees in violation of the dual compensation laws (p. 12393).
10. RECLAMATION. Passed without amendment H. R. 9981, to provide for construction of distribution systems on authorized Federal reclamation projects by irrigation districts and other public agencies (pp. 12440-1).

The Interior and Insular Affairs Committee ordered reported S. 118, authorizing the Washita River Basin project, Okla. (p. D938).
11. TRANSPORTATION; TRAVEL. The Interstate and Foreign Commerce Committee ordered reported S. 906, to establish the finality of contracts between the Government and common carriers of passengers and freight subject to the Interstate Commerce Act (p. D938).
12. FLAMMABLE FABRICS. The Interstate and Foreign Commerce Committee ordered reported S. 3379, to exempt from the Flammable Fabrics Act certain fabrics which are not highly flammable (p. D938).
13. LAND TRANSFER. Passed as reported H. J. Res. 550, to permit Federal release of reversionary rights of certain property (formerly FHA) for school purposes in Kern County, Calif. (p. 12394).
14. FAMILY-SIZE FARMS. Rep. Patman recommended that Government programs be

INCREASES IN ANNUITIES OF CERTAIN EMPLOYEES

The Clerk called the bill (H. R. 3660) granting increases in the annuities of certain former civilian officials and employees engaged in and about the construction of the Panama Canal, and for other purposes.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LIMITATION ON OUTPATIENT DENTAL CARE

The Clerk called the bill (H. R. 9866) to prescribe certain limitations with respect to outpatient dental care for veterans.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LONG. Mr. Speaker, reserving the right to object, I should like to offer an amendment.

Mr. FORD. Mr. Speaker, reserving the right to object, it is my understanding that the gentleman from Louisiana [Mr. LONG] has an amendment which would extend the time limitation from 1 year to 2 years. It is my further understanding that the Committee on Veterans' Affairs approved a 1-year period unanimously. It seems to me that the 1-year period is adequate. Rather than have the 1-year period extended to 2 years, as I understand the gentleman from Louisiana wishes, I shall have to ask that the bill be passed over.

The Independent Offices Appropriation bill for the fiscal year 1955 has a 1-year limitation. It takes care of the situation properly, in my judgment, although there are some improvements in the bill as set forth here. I should like to ask the gentleman from Louisiana [Mr. LONG] if that is his intention; and if it is I intend to object to the consideration of the bill.

Mr. LONG. Mr. Speaker, my objection to it is the same as I have been arguing ever since I have been a Member of Congress. It does not give the veterans time to get their dental work done. I have contended for a 5-year period, but I would agree to go along with 2 years. However, I will not agree to anything less.

I attended the American Dental Association meeting when this matter was discussed and the conclusion was reached that a "reasonable" time should be granted. I gathered from the members to whom I talked that by a reasonable time, they meant a period of not less than 3 years, with 5 years being preferred. However, there is a group of dentists that insists on a 1-year period. I cannot go along with their way of thinking.

Many reasons could be cited why this does not give the veteran enough time to get his dental work done, thereby denying many of them the rights they are granted under the veterans' benefit laws already in force.

The law referred to by my colleague [Mr. FORD] was an amendment to the appropriation bill in the Senate. As you no doubt remember, the House defeated that same amendment. Next year, when the appropriation bill comes before the Congress, we will defeat it again, and I hope the Senate will do likewise.

I cannot, in good conscience, go along with a program that I know is not in the best interests of the men who have fought our wars.

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. LONG. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD at this point and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, the bill we are considering today, H. R. 9866, represents permanent legislation to replace what has been controlled largely by riders in the independent offices appropriation bills for the past 2 years.

This measure, which I introduced, was reported unanimously by the Committee on Veterans' Affairs after full hearings. We heard testimony from the Veterans' Administration, from the American Dental Association and from all the national veterans' organizations. No objections of any substance were raised by any witnesses. This bill is recommended by the Veterans' Administration, and carries the recommendation of the Bureau of the Budget.

This bill limits out-patient dental treatment to veterans with disabilities which are, first, service-connected and compensable in degree; or second, service-connected and shown to have been in existence at time of discharge, and where application for treatment is made within 1 year after discharge, or December 31, 1954, whichever is the later; or third, is associated with and aggravating a disability for some other service-connected injury or disease.

The bill also provides, in accordance with a practice which now prevails in the Veterans' Administration, that treatment is on a one-time-completion basis only, except in those cases where the standard of work performed does not meet the professional requirements of good dental treatment. The one-time treatment requirement would not apply to dental disabilities of former prisoners of war or to those suffering from combat wounds.

In accordance with the Public Law 494 which I also sponsored, and which was signed by President Eisenhower last July 15, this bill does not limit treatment given to Spanish-American War veterans. The veterans of the Spanish-American war are given special consideration with respect to out-patient care. Neither does this bill restrict dental care given to veterans undergoing education or training under Public Law 16, the law which provides such education for serv-

ice-connected veterans of World War II and Korea.

Mr. Speaker, I would like to include as part of my remarks the language of Public Law 494, dealing with free dental care for our Spanish-American War veterans:

[Public Law 494, 83d Cong., ch. 506, 2d sess.]

H. R. 6412

An act to preserve the eligibility of certain veterans to dental out-patient care and dental appliances

Be it enacted, etc., That veterans of the Spanish-American War, including the Philippine Insurrection and the Boxer Rebellion, and veterans in training under Public Law 16, 78th Congress, as amended and extended, shall not be subject to the limitation on out-patient dental care contained in the first proviso of the provision under the heading "Out-patient care" appearing under the heading "Veterans' Administration" in the Second Independent Offices Appropriation Act, 1954, or in the first proviso under the same heading in the Independent Offices Appropriation Act, 1955 (Public Law 428, 83d Cong., 2d sess.).

Approved July 15, 1954.

In addition, I should like to indicate the effect which the passage of this bill, H. R. 9866, would have on Veterans Regulation No. 7 (a), and on the Independent offices appropriations acts:

[Committee print]

While not required under the Ramseyer rule, for the convenience of the Members of the House the effect of enactment of this bill is set forth below (new matter in italics; matter to be repealed in black brackets):

"VETERANS REGULATION No. 7 (A)

"ELIGIBILITY FOR MEDICAL CARE

"I. The Administrator of Veterans' Affairs, within the limits of Veterans' Administration facilities, is authorized in his discretion to furnish to honorably discharged veterans of any war, including the Boxer Rebellion and the Philippine Insurrection, and to men honorably discharged from the United States Army, Navy, Marine Corps, or Coast Guard for disabilities incurred in line of duty, such medical, surgical and dental services as may be found to be reasonably necessary for diseases or injuries incurred or aggravated in the line of duty in the active military or naval service. Such persons may also be furnished with such supplies including dental appliances, wheel chairs, artificial limbs, trusses, and similar appliances, including special clothing made necessary by the wearing of prosthetic appliances, as the Administrator of Veterans' Affairs may determine to be useful and reasonably necessary, which dental appliances, wheel chairs, artificial limbs, trusses, special clothing, and similar appliances may be procured by the Veterans' Administration in such manner, either by purchase or manufacture, as the Administrator of Veterans' Affairs may determine to be advantageous and reasonably necessary.

"No outpatient dental services and treatment, or related dental appliances, shall be furnished by authority of the provisions of this Veterans Regulation No. 7 (a), or the provisions of section 6, Public Act No. 2, 73d Congress, as amended, unless the dental condition or disability (1) is service connected and of compensable degree; or (2) is service connected, shown to have been in existence at time of discharge and application for treatment is made within 1 year after discharge or by December 31, 1954, whichever is the later; or (3) is associated with and held to be aggravating disability from some other disease or injury which was incurred in, or aggravated by, service: Provided, That the

foregoing limitations shall not apply to veterans of the Spanish-American War, including the Philippine Insurrection and the Boxer Rebellion, nor shall they be construed to restrict the authority provided by Public Law 16, 78th Congress, as amended and extended, to furnish dental services to veteran trainees thereunder: *Provided further, That benefits (except for a dental condition or disability due to combat wounds or other service trauma or of a former prisoner of war) afforded under clause (2) shall be on a one-time completion basis only, unless the services rendered on a one-time basis are found unacceptable within the limitations of good professional standards, in which event such additional limited services may be afforded as are required to complete professionally acceptable treatment.*"

Outpatient care section (Veterans' Administration) of Public Law 149, 83d Congress:

"Outpatient care: For expenses necessary for furnishing outpatient care to beneficiaries of the Veterans' Administration, as authorized by law, including not to exceed \$196,000 for expenses of travel of employees; \$92,667,900, of which not exceeding \$23 million shall be available for outpatient fee basis dental care: *Provided, That no part of this appropriation shall be available for outpatient dental services and treatment, or related dental appliances with respect to a service-connected dental disability which is not compensable in degree unless such condition or disability is shown to have been in existence at time of discharge and application for treatment is made within 1 year after enactment of this act: Provided, That this limitation shall not apply to adjunct outpatient dental services or appliances for any dental condition associated with and held to be aggravating disability from some other service incurred or service aggravated injury or disease.*"

Outpatient care section (Veterans' Administration) of Public Law 428, 83d Congress:

"Outpatient care: For expenses necessary for furnishing outpatient care to beneficiaries of the Veterans' Administration, as authorized by law, including not to exceed \$178,000 for expenses of travel of employees; \$82,134,000, of which not exceeding \$11,200,000 shall be available for outpatient fee basis dental care: *Provided, That no part of this appropriation shall be available for outpatient dental services and treatment, or related dental appliances with respect to a service-connected dental disability which is not compensable in degree unless such condition or disability is shown to have been in existence at time of discharge and application for treatment is made within 1 year after discharge or by December 31, 1954, whichever is later: Provided further, That this limitation shall not apply to adjunct outpatient dental services or appliances for any dental condition associated with and held to be aggravating disability from such other service-incurred or service-aggravated injury or disease.*"

The only objection raised to this bill is that represented by the amendment which the gentleman from Louisiana [Mr. LONG] now seeks to offer. The gentleman from Louisiana desires to extend the proposed 1-year period, within which an application for free dental care must be filed, to 2 years. Previously he has opposed any time limitation, or one of not less than 5 years.

First of all I should like to point out that this extension of time is in conflict with the unanimous decision of the Veterans' Affairs Committee, of which the gentleman from Louisiana is a distinguished member. It seems apparent that 1 year is a reasonable length of time in which to seek free dental treatment.

The Members will note that it is only necessary to file an application within 1 year, not to have received treatment.

Secondly, it has been made plain that this bill cannot pass today if this amendment is offered. If permanent legislation is not enacted, as now seems likely, the provisions of the Independent Offices Appropriation Act will apply. The result will be that the 1 year time limit will be in effect, but not as the result of the considered recommendation of the Veterans' Affairs Committee. Because of disagreement on a less than vital point, needed legislation will not be passed. Inclusive consideration has been given to this problem of outpatient dental care, and I should be reluctant to see this bill passed over.

This measure would not lead to any additional cost on the part of the Veterans' Administration. In fact, it will continue to save considerable money over the procedure in effect prior to the enactment of the appropriation riders.

Mr. Speaker, may I ask the gentleman from Louisiana if we did not, in the Committee on Veterans' Affairs, have a full discussion about the reasonableness of the 1-year period? When the bill was reported favorably by a unanimous vote of the committee, I regret that the gentleman from Louisiana was not there.

I, too, would be reluctant to accept the 2-year limitation, because it seems to me that the 1-year limitation is a reasonable time. It is sufficient warning that unless eligible veterans apply they will not have free dental care. I am reluctant to see the bill passed over because one Member now proposes that an amendment be adopted to extend it to 2 years. I do not suggest, however, that such a period might not also be considered reasonable.

I would suggest to the gentleman that perhaps permanent legislation on this subject is important. In any event the appropriation rider will be in effect unless this legislation passes, so this proposed 2-year limitation will not apply if the bill is passed over.

Mr. FORD. Further reserving the right to object, Mr. Speaker, I am in favor of the legislation as unanimously recommended by the Committee on Veterans' Affairs. I will insist on having the bill passed over unless it is agreed beforehand that such an amendment will not be offered. I respectfully ask the gentleman from Louisiana if that is his intention.

Mr. LONG. I do not understand what the gentleman is driving at.

The SPEAKER. As the Chair understands it, the gentleman from Michigan is requesting the gentleman from Louisiana not to offer his amendment to extend it to 2 years. Is that the subject of the gentleman's inquiry?

Mr. FORD. The Chair is correct. If the gentleman from Louisiana is going to offer his amendment, I will then ask that the bill be passed over without prejudice.

Mr. LONG. I offer the amendment, Mr. Speaker, and I object to the bill being passed over without prejudice.

The SPEAKER. The gentleman cannot offer his amendment until permission is granted for the bill to be considered, which has not been given.

Mr. FORD. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. LONG. I object, Mr. Speaker.

The SPEAKER. The gentleman from Louisiana objects.

Is there objection to the present consideration of the bill?

Mr. FORD. I object to the present consideration of the bill, Mr. Speaker.

PANAMA CANAL

The Clerk called the bill (H. R. 2305) to extend to certain naturalized citizens of the United States the benefits of the act of May 29, 1944, entitled "An act to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal."

Mr. BYRNES of Wisconsin. Mr. Speaker, I move that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CHARTER OF PASSENGER SHIPS IN DOMESTIC TRADE

The Clerk called the bill (H. R. 9868) to amend the Merchant Ship Sales Act of 1946 to provide for the charter of passenger ships in the domestic trade.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 5 (e) (1) of the Merchant Ship Sales Act of 1946 (60 Stat. 41), as amended, is amended by inserting after the words "may be chartered pursuant to the act for bareboat use in any service" the following: "including the domestic trade in the case of passenger ships."

With the following committee amendments:

Strike out all after the enacting clause and insert the following: "That section 5 (f) (1) of the Merchant Ship Sales Act, as amended, is amended by inserting before the period at the end thereof a comma and the following: 'and may charter any war-built passenger vessel owned by the United States for use in the domestic trade of the United States, under the conditions prescribed for the charter of war-built cargo vessels in subsection (e) of this section.'"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DENIAL OF FEDERAL ANNUITIES TO GOVERNMENT OFFICERS AND EMPLOYEES CONVICTED OF CERTAIN CRIMES

The Clerk called the bill (H. R. 9909) to prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DOWDY. Mr. Speaker, this bill provides exemptions from its provisions with respect to convicted criminals and traitors who are presently drawing retirement annuities. It had been my intention to offer amendments to the bill striking out the exemption of those people, because I do not believe convicted criminals should draw any retired pay from the United States. We do not owe them anything. However, the other provisions of the bill I think should be enacted anyway. I understand if I offered the amendments at this time the bill would probably not get through at this session. I make this statement because it had been announced that I would offer those amendments.

I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there shall not be paid to any person convicted prior to, on, or after the date of enactment of this act of any of the following offenses described in this section, or to the survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or the date of enactment of this act, whichever is later, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government:

(1) Any offense defined in section 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 217, 218, 219, 220, 221, 222, or 223 of chapter 11 (relating to bribery and graft), section 281, 282, 283, 284, 285, 286, or 287 of chapter 15 (relating to claims and services in matters affecting government), section 434, 435, 436, 441, 442, or 443 of chapter 23 (relating to contracts), chapter 37 (relating to espionage and censorship), section 1700, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1711, or 1712 of chapter 83 (relating to offenses involving the postal service), chapter 105 (relating to sabotage), or chapter 115 (relating to treason, sedition, and subversive activities) of title 18 of the United States Code or in section 10 or 16 of the Atomic Energy Act of 1946 (42 U. S. C., secs. 1810 and 1816);

(2) Any offense (not including any offense within the purview of section 13 of title 18 of the United States Code) which is a felony under the laws of the United States or of the District of Columbia (A) committed in the exercise of his authority, influence, power, or privileges as an officer or employee of the Government, or (B) committed after the termination of his service as an officer or employee of the Government but directly involving, directly resulting from, or directly relating to, the improper exercise of his authority, influence, power, or privileges during any period of his service as such an officer or employee;

(3) Perjury committed under the laws of the United States or of the District of Columbia (A) in falsely denying the commission of an act which constitutes any of the offenses described in paragraph (1) or (2) of this section, (B) in falsely testifying before any Federal grand jury or court of the United States with respect to his service as an officer or employee of the Government, or (C) in falsely testifying before any congressional committee in connection with any matter under inquiry before such congressional committee; or subornation of perjury committed in connection with the false denial or false testimony of another person as specified in this paragraph.

(4) Any offense defined in section 833, 861, or 862 of an act entitled "An act to establish a code of law for the District of Columbia" approved March 3, 1901 (31 Stat. 1330, D. C. Code, 1954 edition, secs. 22-1201, 122-701, 22-703); or in the second paragraph under the subheading "for executive office" under the caption "general expenses" in the first section of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902 (32 Stat. 591, D. C. Code, 1901 edition, sec. 22-702).

SEC. 2. (a) There shall not be paid to any person who has failed or refused, or fails or refuses, prior to, on, or after the date of enactment of this act, upon the ground of self-incrimination, to appear, testify, or produce any book, paper, record, or other document, with respect to his service as an officer or employee of the Government or with respect to any relationship which he has had or has with a foreign government, in any proceeding before a Federal grand jury, court of the United States, or congressional committee, or to the survivor or beneficiary of such person, for any period subsequent to the date of such failure or refusal of such person on the date of enactment of this act, whichever is later, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government. There shall not be paid to any such person, or to his survivor or beneficiary, for any period subsequent to the date of such failure or refusal or the date of enactment of this act, whichever is later, any salary, pay, or compensation for service as an officer or employee of the Government; and any such person who occupies an office or position in the service of the Government of the United States or the government of the District of Columbia shall be removed therefrom and thereafter prohibited from holding any office or position in or under the Government of the United States or the government of the District of Columbia.

(b) There shall not be paid to any person who, prior to, on, or after the date of enactment of this act, has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, has concealed or conceals any material fact, with respect to his—

(1) past or present membership in, affiliation or association with, or support of the Communist Party, or any chapter, branch, or subdivision thereof, in or outside the United States, or any other organization, party, or group, or any individual, advocating (A) the overthrow, by force, violence, or other unconstitutional means, of the Government of the United States, (B) the establishment in the United States of a Communist totalitarian dictatorship, or (C) the right to strike against the Government of the United States;

(2) conviction of any offense described in the first section of this act; or

(3) failure or refusal to appear, testify, or produce any book, paper, record, or other document as specified in subsection (a) of this section,

for any period subsequent to the date of enactment of this act or the date on which such statements are made, whichever is later, in connection with his application for an office or position in or under the executive, legislative, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government.

SEC. 3. In the case of any such person, any amounts contributed by him toward the

annuity the benefits of which are denied under this act, less any sums previously refunded or paid as annuity benefits, shall be returned, upon appropriate application therefor, to such person, with interest to date of conviction or the date of enactment of this act, whichever is later, at such rates as may be provided in the case of refunds under the law, regulation, or agreement under which the annuity is payable, or if no such rates are so provided at the rate of 4 percent per annum to December 31, 1947, and 3 percent per annum thereafter, compounded on December 31 of each year. In the event a person entitled to a refund under this section dies prior to the making of such refund, the refund shall be made to such person or persons as may be provided in the case of refunds under the law, regulation, or agreement under which the annuity the benefits of which are denied under this act is payable or, if no such provision is made, in the order of preference prescribed in section 12 (e) of the Civil Service Retirement Act of 1930, as amended.

SEC. 4. No accountable officer of the Government of the United States or of the government of the District of Columbia shall be held responsible for payments made in violation of the first section and section 2 of this act when made in due course and without negligence.

SEC. 5. As used in this act—

(1) The term "officer or employee of the Government" includes an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States, a Member of or Delegate to Congress, a Resident Commissioner, an officer or employee of the government of the District of Columbia, and a member or former member of the Armed Forces of the United States, including the Regular and Reserve components thereof, the Fleet Reserve, the Fleet Marine Corps Reserve, the Coast and Geodetic Survey, and the Public Health Service.

(2) The term "annuity" means any retirement benefit (other than any benefit provided under laws administered by the Veterans' Administration) payable by any department or agency of the Government of the United States or the government of the District of Columbia upon the basis of service as a civilian officer or employee, except that such term does not include salary or compensation which may not be diminished under section 1 of article III of the Constitution or, in the case of a benefit payable under the Social Security Act, as amended, any portion of such benefit not based upon service as an officer or employee of the Government of the United States or the government of the District of Columbia. The term "annuity" does not include any retirement benefit of any person to whom such benefit has been awarded or granted prior to the date of enactment of this act insofar as concerns the conviction of such person, prior to such date, of any offense specified in the first section of this act or the failure or refusal of such person, prior to such date, to appear, testify, or produce any book, paper, record, or other document as specified in section 2 (a) of this act.

(3) The term "retired pay" means retired pay, retirement pay, retainer pay, or equivalent pay (other than any benefit provided under laws administered by the Veterans' Administration), payable under any law of the United States to members or former members of the Armed Forces of the United States, including the Regular and Reserve components thereof and the Fleet Reserve and the Fleet Marine Corps Reserve, the Coast and Geodetic Survey, and the Public Health Service. The term "retired pay" does not include the retired pay, retirement pay, retainer pay, or equivalent pay of any person to whom any such pay has been awarded or

granted prior to the date of enactment of this act insofar as concerns the conviction of such person, prior to such date, of any offense specified in the first section of this act, or the failure or refusal of such person, prior to such date, to appear, testify, or produce any book, paper, record, or other document as specified in section 2 (a) of this act.

SEC. 6. This act shall not be construed as restricting authority under any other provision of law to deny or withhold benefits authorized by law.

SEC. 7. The President may drop from the rolls any member of the Armed Forces, including the Regular and Reserve components thereof, the Fleet Reserve, and the Fleet Marine Corps Reserve, and any member of the Coast and Geodetic Survey or of the Public Health Service, who is deprived of retired pay under the provisions of this act.

SEC. 8. If any provision of this act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

With the following committee amendments:

Page 3, line 14, strike out "paragraph." and insert in lieu thereof "paragraph";

Page 3, strike out line 15 and all that follows down to the semicolon in line 19 and insert in lieu thereof the following:

"Any offense defined in section 833, 861, or 862 of the act entitled 'An act to establish a code of law for the District of Columbia', approved March 3, 1901 (31 Stat. 1325, 1330; D. C. Code, 1951 edition, secs. 22-1201, 22-701, 22-703)."

Page 4, lines 1 and 2, strike out "(32 Stat. 591, D. C. Code, 1901 edition, sec. 22-702)." and insert in lieu thereof "(32 Stat. 591; D. C. Code, 1951 edition, sec. 22-702)."

Page 4, line 14, strike out "on" and insert in lieu thereof "or."

Page 4, strike out line 17 and all that follows down through the period on page 5, line 2.

Page 5, line 4, insert "knowingly and willfully" after "act."

Page 5, line 12, strike out ", or any individual."

Page 5, line 24, strike out "on which such statements are made" and insert in lieu thereof "on which any such statement, representation, or concealment of fact is made or occurs."

Page 6, strike out line 8 and all that follows down through the word "later" in line 14 and insert in lieu thereof the following:

"SEC. 3. Any amounts contributed by any such person toward the annuity the benefits of which are denied under this act, less any sums previously refunded or paid as annuity benefits, shall be returned to such person, upon appropriate application therefor, with interest to the date of his conviction of any offense described in the first section of this act or of the commission by him of any violation of section 2 of this act, as the case may be, or the date of enactment of this act, whichever is later."

Page 6, line 20, after "year." insert the following: "Such person shall not be required to repay any annuity properly received by him which is in excess of the amount of his own contributions with interest."

Page 7, after line 3, insert the following:

"SEC. 4. The right to receive an annuity or retired pay shall be deemed restored to any person convicted, prior to, on, or after the date of enactment of this act, of an offense which is specified in the first section of this act or which constitutes a violation of section 2 of this act, for which he is denied an annuity or retired pay, to whom a pardon of such offense is granted by the President of the United States, prior to, on, or after the date of enactment of this act, and to the sur-

vivor or beneficiary of such person. Such restoration of the right to receive an annuity or retired pay shall be effective as of the date on which such pardon is granted. Any amounts refunded to such person under section 3 of this act shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made for any period prior to the date on which such pardon is granted."

Page 7, line 4, strike out "SEC. 4." and insert in lieu thereof "SEC. 5."

Page 7, line 7, strike out "and" and insert in lieu thereof "or."

Page 7, line 7, after the word "when", insert "such payments are."

Page 7, line 9, strike out "SEC. 5." and insert in lieu thereof "SEC. 6."

Page 8, strike out all of line 12 after the word "act" and all that follows down through the period in line 15 and insert in lieu thereof ", or the commission by such person, prior to such date, of any violation of section 2 of this act."

Page 9, strike out all of line 5 after "act," and all that follows down through the period in line 8 and insert in lieu thereof "or the commission by such person, prior to such date, of any violation of section 2 of this act."

Page 9, line 9, strike out "SEC. 6." and insert in lieu thereof "SEC. 7."

Page 9, line 12, strike out "SEC. 7." and insert in lieu thereof "SEC. 8."

Page 9, line 18, strike out "SEC. 8." and insert in lieu thereof "SEC. 9."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This completes the call of bills eligible for consideration on the Consent Calendar at this time.

ALABAMA AND COUSHATTA TRIBES OF INDIANS OF TEXAS

Mr. MILLER of Nebraska. Mr. Speaker, the bill (S. 2744) to provide for the termination of Federal supervision over the property of the Alabama and Coushatta Tribes of Indians of Texas, and the individual members thereof, and for other purposes, was placed at the foot of the calendar and I believe we are now ready to take up that bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized to convey to the State of Texas the lands held in trust by the United States for the tribe of Indians organized and known as the Alabama and Coushatta Tribes of Texas, located in Polk County, Tex.; and such tribe is authorized to convey to the State of Texas the lands purchased for and deeded to the Alabama Indians in accordance with an act of the legislature of the State of Texas approved February 3, 1854, located in Polk County, Tex. All of the lands so conveyed shall be held by the State of Texas in trust for the benefit of the Indians of the Alabama and Coushatta Tribes of Texas, subject to such conditions regarding management and use as the State of Texas may prescribe and the disposition of such lands shall be subject to approval of a majority of the adult members of the Alabama and Coushatta Tribes of Texas.

SEC. 2. Upon the conveyance to the State of Texas of the lands held in trust by the United States for the Alabama and Coushatta Tribes of Texas, the Secretary of the Interior shall publish in the Federal Register a proclamation declaring that the Federal trust relationship to such tribe and its members has terminated. Thereafter such tribe and its members shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians: *Provided*, That after the date of this act such Indians shall be eligible for admission, on the same terms that apply to other Indians, to hospitals and schools maintained by the United States in the State of Oklahoma.

SEC. 3. Effective on the date of the proclamation provided for in section 2 of this act, all powers of the Secretary of the Interior or any other officer of the United States to take, review, or approve any action under the constitution and bylaws of the Alabama and Coushatta Tribes of Texas approved on August 19, 1938, pursuant to the act of June 18, 1934 (48 Stat. 984), are terminated. Any powers conferred upon the tribe by its constitution and bylaws that are inconsistent with the provisions of this act are terminated. Such termination shall not affect the power of the tribe to take any action under its constitution and bylaws that is consistent with this act without the participation of the Secretary or other officer of the United States in such action.

SEC. 4. The indebtedness of the Alabama and Coushatta Tribes of Texas to the United States, incurred under the provisions of the act of May 29, 1928 (45 Stat. 883, 900), is canceled, effective on the date of the proclamation to be issued in accordance with the provisions of section 2 of this act.

SEC. 5. The corporate charter of the Alabama and Coushatta Tribes of Texas issued pursuant to the act of June 18, 1934 (48 Stat. 984), ratified on October 17, 1934, is revoked, effective on the date of the proclamation to be issued in accordance with the provisions of section 2 of this act.

SEC. 6. On and after the date of the proclamation to be issued in accordance with the provisions of section 2 of this act, all statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the Alabama and Coushatta Tribes of Texas or the members thereof, except as provided in section 2 of this act, and the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction.

SEC. 7. Nothing in this act shall affect the status of the members of the Alabama and Coushatta Tribes of Texas as citizens of the United States, or shall affect their rights, privileges, immunities, and obligations as such citizens.

SEC. 8. The act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (49 Stat. 387), shall not apply to the tribe and its members after the date of the proclamation to be issued in accordance with the provisions of section 2 of this act.

With the following committee amendment:

Page 4, strike all of section 7, and insert in lieu thereof the words:

"SEC. 7. Nothing in this act shall affect the status of the members of the tribes as citizens of the United States."

The committee amendment was agreed to.

Mr. DOWDY. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dowdy: On page 2, line 21, after "United States", insert

83^D CONGRESS
2^D SESSION

H. R. 9909

IN THE SENATE OF THE UNITED STATES

AUGUST 4 (legislative day, JULY 2), 1954

Read twice and referred to the Committee on Post Office and Civil Service

AN ACT

To prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That there shall not be paid to any person convicted prior
4 to, on, or after the date of enactment of this Act of any of
5 the following offenses described in this section, or to the
6 survivor or beneficiary of such person so convicted, for any
7 period subsequent to the date of such conviction or the date
8 of enactment of this Act, whichever is later, any annuity
9 or retired pay on the basis of the service of such person as
10 an officer or employee of the Government:

1 (1) Any offense defined in section 201, 202, 203, 204,
2 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 217,
3 218, 219, 220, 221, 222, or 223 of chapter 11 (relating to
4 bribery and graft), section 281, 282, 283, 284, 285, 286,
5 or 287 of chapter 15 (relating to claims and services in mat-
6 ters affecting government), section 434, 435, 436, 441,
7 442, or 443 of chapter 23 (relating to contracts), chapter
8 37 (relating to espionage and censorship), section 1700,
9 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1711,
10 or 1712 of chapter 83 (relating to offenses involving the
11 postal service), chapter 105 (relating to sabotage), or
12 chapter 115 (relating to treason, sedition, and subversive
13 activities) of title 18 of the United States Code or in section
14 10 or 16 of the Atomic Energy Act of 1946 (42 U. S. C.,
15 secs. 1810 and 1816) ;

16 (2) Any offense (not including any offense within
17 the purview of section 13 of title 18 of the United States
18 Code) which is a felony under the laws of the United States
19 or of the District of Columbia (A) committed in the exer-
20 cise of his authority, influence, power, or privileges as an
21 officer or employee of the Government, or (B) committed
22 after the termination of his service as an officer or employee
23 of the Government but directly involving, directly resulting
24 from, or directly relating to, the improper exercise of his

1 authority, influence, power, or privileges during any period
2 of his service as such an officer or employee;

3 (3) Perjury committed under the laws of the United
4 States or of the District of Columbia (A) in falsely deny-
5 ing the commission of an act which constitutes any of the
6 offenses described in paragraph (1) or (2) of this section,
7 (B) in falsely testifying before any Federal grand jury
8 or court of the United States with respect to his service
9 as an officer or employee of the Government, or (C) in
10 falsely testifying before any congressional committee in con-
11 nection with any matter under inquiry before such con-
12 gressional committee; or subornation of perjury committed
13 in connection with the false denial or false testimony of
14 another person as specified in this paragraph;

15 (4) Any offense defined in section 833, 861, or 862
16 of the Act entitled "An Act to establish a code of law for the
17 District of Columbia", approved March 3, 1901 (31 Stat.
18 1325, 1330; D. C. Code, 1951 edition, secs. 22-1201,
19 22-701, 22-703); or in the second paragraph under the
20 subheading "FOR EXECUTIVE OFFICE" under the caption
21 "GENERAL EXPENSES" in the first section of the Act
22 entitled "An Act making appropriations to provide for the
23 expenses of the government of the District of Columbia for
24 the fiscal year ending June thirtieth, nineteen hundred and

1 three, and for other purposes'', approved July 1, 1902
2 (32 Stat. 591; D. C. Code, 1951 edition, sec. 22-702).

3 SEC. 2. (a) There shall not be paid to any person who
4 has failed or refused, or fails or refuses, prior to, on, or after
5 the date of enactment of this Act, upon the ground of self-
6 incrimination, to appear, testify, or produce any book, paper,
7 record, or other document, with respect to his service as an
8 officer or employee of the Government or with respect to any
9 relationship which he has had or has with a foreign govern-
10 ment, in any proceeding before a Federal grand jury, court
11 of the United States, or congressional committee, or to the
12 survivor or beneficiary of such person, for any period sub-
13 sequent to the date of such failure or refusal of such person
14 or the date of enactment of this Act, whichever is later,
15 any annuity or retired pay on the basis of the service of
16 such person as an officer or employee of the Government.

17 (b) There shall not be paid to any person who, prior
18 to, on, or after the date of enactment of this Act, knowingly
19 and willfully has made or makes any false, fictitious, or
20 fraudulent statement or representation, or who, prior to, on,
21 or after such date, has concealed or conceals any material
22 fact, with respect to his—

23 (1) past or present membership in, affiliation or
24 association with, or support of the Communist Party, or
25 any chapter, branch, or subdivision thereof, in or outside

1 the United States, or any other organization, party, or
2 group advocating (A) the overthrow, by force, violence,
3 or other unconstitutional means, of the Government of
4 the United States, (B) the establishment in the United
5 States of a Communist totalitarian dictatorship, or (C)
6 the right to strike against the Government of the United
7 States;

8 (2) conviction of any offense described in the first
9 section of this Act; or

10 (3) failure or refusal to appear, testify, or produce
11 any book, paper, record, or other document as specified
12 in subsection (a) of this section,

13 for any period subsequent to the date of enactment of this
14 Act or the date on which any such statement, representation,
15 or concealment of fact is made or occurs, whichever is later,
16 in connection with his application for an office or position
17 in or under the executive, legislative, or judicial branch of
18 the Government of the United States or the government of
19 the District of Columbia, or to the survivor or beneficiary
20 of such person, any annuity or retired pay on the basis of
21 the service of such person as an officer or employee of the
22 Government.

23 SEC. 3. Any amounts contributed by any such person
24 toward the annuity the benefits of which are denied under

1 this Act, less any sums previously refunded or paid as
2 annuity benefits, shall be returned to such person, upon
3 appropriate application therefor, with interest to the date
4 of his conviction of any offense described in the first section
5 of this Act or of the commission by him of any violation
6 of section 2 of this Act, as the case may be, or the date of
7 enactment of this Act, whichever is later, at such rates as
8 may be provided in the case of refunds under the law, regula-
9 tion, or agreement under which the annuity is payable,
10 or if no such rates are so provided at the rate of 4 per
11 centum per annum to December 31, 1947, and 3 per centum
12 per annum thereafter, compounded on December 31 of each
13 year. Such person shall not be required to repay any
14 annuity properly received by him which is in excess of the
15 amount of his own contributions with interest. In the
16 event a person entitled to a refund under this sec-
17 tion dies prior to the making of such refund, the
18 refund shall be made to such person or persons as may
19 be provided in the case of refunds under the law, regu-
20 lation, or agreement under which the annuity the bene-
21 fits of which are denied under this Act is payable or, if
22 no such provision is made, in the order of preference pre-
23 scribed in section 12 (e) of the Civil Service Retirement Act
24 of 1930, as amended.

25 SEC. 4. The right to receive an annuity or retired pay

1 shall be deemed restored to any person convicted, prior to,
2 on, or after the date of enactment of this Act, of an offense
3 which is specified in the first section of this Act or which con-
4 stitutes a violation of section 2 of this Act, for which he is de-
5 nied an annuity or retired pay, to whom a pardon of such
6 offense is granted by the President of the United States,
7 prior to, on, or after the date of enactment of this Act, and
8 to the survivor or beneficiary of such person. Such restora-
9 tion of the right to receive an annuity or retired pay shall be
10 effective as of the date on which such pardon is granted.
11 Any amounts refunded to such person under section 3 of this
12 Act shall be redeposited before credit is allowed for the
13 period or periods of service covered by the refund. No pay-
14 ment of annuity or retired pay shall be made for any period
15 prior to the date on which such pardon is granted.

16 SEC. 5. No accountable officer of the Government of
17 the United States or of the government of the District of
18 Columbia shall be held responsible for payments made in
19 violation of the first section or section 2 of this Act when
20 such payments are made in due course and without negligence.

21 SEC. 6. As used in this Act—

22 (1) The term “officer or employee of the Government”
23 includes an officer or employee in or under the legislative,
24 executive, or judicial branch of the Government of the
25 United States, a Member of or Delegate to Congress, a

1 Resident Commissioner, an officer or employee of the gov-
2 ernment of the District of Columbia, and a member or former
3 member of the Armed Forces of the United States, including
4 the Regular and Reserve components thereof, the Fleet Re-
5 serve, the Fleet Marine Corps Reserve, the Coast and Geo-
6 detic Survey, and the Public Health Service.

7 (2) The term "annuity" means any retirement benefit
8 (other than any benefit provided under laws administered
9 by the Veterans' Administration) payable by any depart-
10 ment or agency of the Government of the United States or
11 the government of the District of Columbia upon the basis
12 of service as a civilian officer or employee, except that such
13 term does not include salary or compensation which may
14 not be diminished under section 1 of article III of the Con-
15 stitution or, in the case of a benefit payable under the
16 Social Security Act, as amended, any portion of such benefit
17 not based upon service as an officer or employee of the Gov-
18 ernment of the United States or the government of the Dis-
19 trict of Columbia. The term "annuity" does not include any
20 retirement benefit of any person to whom such benefit has
21 been awarded or granted prior to the date of enactment of
22 this Act insofar as concerns the conviction of such person,
23 prior to such date, of any offense specified in the first section
24 of this Act, or the commission by such person, prior to such
25 date, of any violation of section 2 of this Act.

1 (3) The term “retired pay” means retired pay, retire-
2 ment pay, retainer pay, or equivalent pay (other than any
3 benefit provided under laws administered by the Veterans’
4 Administration), payable under any law of the United
5 States to members or former members of the Armed Forces
6 of the United States, including the Regular and Reserve
7 components thereof and the Fleet Reserve and the Fleet
8 Marine Corps Reserve, the Coast and Geodetic Survey, and
9 the Public Health Service. The term “retired pay” does not
10 include the retired pay, retirement pay, retainer pay, or
11 equivalent pay of any person to whom any such pay has
12 been awarded or granted prior to the date of enactment of
13 this Act insofar as concerns the conviction of such person,
14 prior to such date, of any offense specified in the first section
15 of this Act, or the commission by such person, prior to such
16 date, of any violation of section 2 of this Act.

17 SEC. 7. This Act shall not be construed as restricting
18 authority under any other provision of law to deny or with-
19 hold benefits authorized by law.

20 SEC. 8. The President may drop from the rolls any
21 member of the Armed Forces, including the Regular and
22 Reserve components thereof, the Fleet Reserve, and the
23 Fleet Marine Corps Reserve, and any member of the Coast
24 and Geodetic Survey or of the Public Health Service, who
25 is deprived of retired pay under the provisions of this Act.

1 SEC. 9. If any provision of this Act, or the application
2 of such provision to any person or circumstance, shall be held
3 invalid, the remainder of this Act, or the application of such
4 provision to persons or circumstances other than those as to
5 which it is held invalid, shall not be affected thereby.

Passed the House of Representatives August 3, 1954.

Attest:

LYLE O. SNADER,

Clerk.

AN ACT

To prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes.

AUGUST 4 (legislative day, JULY 2), 1954

Read twice and referred to the Committee on Post
Office and Civil Service

DENIAL OF FEDERAL ANNUITIES TO GOVERNMENT
OFFICERS AND EMPLOYEES CONVICTED OF CERTAIN
CRIMES

AUGUST 5, 1954.—Ordered to be printed

Mr. CARLSON, from the Committee on Post Office and Civil Service,
submitted the following

REPORT

[To accompany S. 2631]

The Committee on Post Office and Civil Service, to whom was referred the bill (S. 2631) to prohibit the payment of Government retirement benefits to persons convicted of certain offenses, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

AMENDMENTS

The amendments are as follows:

Page 3, after line 8, insert a new section numbered section 3 which provides for the restoration of annuity denied under this bill to those persons to whom a pardon of such offense is granted by the President of the United States, prior to, on, or after the date of enactment of this act.

The remaining amendments are technical amendments which correct the continuity of the bill by sections.

STATEMENT

The purpose of this legislation is to bar, after the enactment of this act, the payment of annuity or retired pay, based on service performed by any individual, under any retirement system applying to civilian officers and employees of any branch of the Federal or District of Columbia Governments, and officers or enlisted members of the Armed Forces of the United States, in the case of any person who prior or subsequent to the enactment of the bill was or is convicted of any criminal offense under the various statutes listed in section 1 of the bill.

Section 1 of the bill, as amended, specifies the penal statutes which, upon conviction thereunder, a person will be prohibited from being

paid any annuity or retired pay. These statutes relate to bribery, graft, espionage and censorship, treason, sedition, and subversive activities, claims and services in matters affecting the Government, matters relating to interest by Members of Congress and Government contracts. This section will also deny the payment of any such annuity or retired pay to anyone who is convicted of a violation of the statute which precludes any former officer or employee of the United States including commissioned officers of prosecuting or acting as attorney or agent for prosecuting any claim against the United States involving the subject matter directly connected with his former employment or duty or the conviction of any other offense involving the improper use of his authority, influence, power, or privileges as such an officer or employee or otherwise related to his service as such officer or employee; and the conviction of perjury committed in falsely denying the commission of an act constituting any such offense or an act which would have violated any such provision if it had been committed subsequent to the date of enactment of such provision.

A summary of the offenses specified in this legislation follows this statement.

Section 2 of the bill, as amended, provides that any person so convicted would be entitled to have returned to him or his estate the amount contributed by him, less any sums previously refunded or paid as annuity benefits.

Section 3 of the bill, as amended, provides in substance that a Presidential pardon shall restore the right to any annuity or retired pay which has been denied under this legislation. Under this amendment, any person who before or on or after the date of enactment of this legislation is convicted of a criminal offense specified in the first section and who because of such conviction is denied any annuity or retired pay under this legislation will, beginning with the date on which he is granted a Presidential pardon for such criminal offense, be eligible to receive such annuity or retired pay.

Section 4 of the bill, as amended, defines the terms "officer or employee of the Government," "annuity," "retired pay," and "offense," as applicable to this bill.

Section 5 of the bill, as amended, provides that this act shall not be applicable to prevent the payment of retired pay granted to any person because of a service-connected disability incurred as a member of the Armed Forces in combat with an enemy of the United States or resulting from an explosion of an instrument of war.

Section 6 of the bill, as amended, contains a "separability" clause so that if any part of the bill is held invalid, the remainder will be applicable.

This legislation was rereferred from the Senate Committee on the Judiciary to the Senate Post Office and Civil Service Committee and agency reports are not available.

SUMMARY OF CERTAIN CRIMINAL STATUTES

Chapter 11—Bribery and graft

Section 201 provides a fine or up to 3 years' imprisonment, or both, for any person who offers or gives any money or other thing of value to any officer, employee, or person acting for the United States with intent to influence his official decision or action or to influence him to commit or take part in a fraud.

Section 202 provides the same penalty as section 201, plus forfeiture of and disqualification for any Federal position, for any officer, employee, or person acting for the United States to ask, accept, or receive any money or other thing of value with intent to have his official decision or action influenced thereby.

Section 203 provides a fine or up to 5 years' imprisonment, or both, for any person connected with the office of United States attorney or United States marshal who asks, accepts, or receives any fee or compensation for any official service except as provided by law.

Section 204 provides the same penalty as section 201 for any person who offers or gives any money or other thing of value to a Member of or Delegate to Congress or a Resident Commissioner, either before or after he has qualified, with intent to influence his action, vote, or decision on any question or matter which comes or may come before either House or any committee of Congress.

Section 205 provides the same penalty as section 204, plus forfeiture of and disqualification for any Federal position, for any Member of or Delegate to Congress or Resident Commissioner who asks, accepts, or receives any money or other thing of value with intent to have his action, vote, or decision influenced on any question or matter which comes or may come before Congress, either House or any committee thereof.

Section 206 provides a heavy fine or imprisonment up to 15 years, or both, plus disqualification for any Federal position, for any person who gives or offers any money or thing of value to any judge, juror, referee, arbitrator, appraiser, assessor, auditor, master, trustee, receiver, United States Commissioner, or other person authorized by Federal law to hear or determine any question or matter, with intent to influence his action, vote, opinion, or decision thereon.

Section 207 provides the same penalty as section 206 for any person holding one of the offices or positions described in section 206 who asks, accepts, or receives any money or other thing of value with intent to have his opinion, judgment, or decree influenced thereby.

Section 208 provides a fine or up to 2 years' imprisonment, or both, for any officer, or employee described in section 206 (except a judge) who asks, receives, or agrees to receive any money or other thing of value with intent to be influenced thereby in his vote, opinion, action, judgment, or decision.

Section 209 provides a fine or up to 2 years' imprisonment, or both, for any person who gives or offers any money or other thing of value to any witness at any trial, hearing, or other proceeding before a United States court or officer authorized to take testimony with intent to influence his testimony or prevent his appearance to testify.

Section 210 provides the same penalty as section 209 for any such witness who asks or receives any money or other thing of value with intent to have his testimony influenced thereby or to absent himself as a result thereof.

Section 211 provides a fine or imprisonment up to 2 years, or both, for any importer who gives or offers any money or thing of value to any revenue officer.

Section 212 provides a fine or imprisonment up to 2 years, or both, for any person who gives or offers any money or thing of value to an employee of the United States in consideration of an act or omission contrary to law in connection with any importation or who by

threats or demands or promises attempts improperly to influence or control any such officer or employee of the United States in the performance of his official duties.

Section 213 provides the same penalty as section 212 for any officer or employee of the United States who asks, accepts, or receives any money or thing of value, except as fixed by law, for performing or omitting any act with respect to an import.

Section 214 provides a fine or imprisonment up to 1 year or both to any person who offers or promises any money or thing of value to any person, firm, or corporation, in consideration of the use or promise to use any influence to procure any appointive office or place under the United States for any person.

Section 215 provides the same penalty as section 214 for any person who solicits or receives, either as a political contribution, or for personal emolument, any money or thing of value in consideration of the promise to support or use his influence in obtaining for any person any appointive office or place under the United States; and anyone who solicits or receives anything of value in consideration of aiding a person to obtain employment under the United States either by referring his name to an executive department or agency or by requiring the payment of a fee because such person has secured such employment. This section does not apply to such services rendered by an employment agency pursuant to a written request of an executive department or agency.

Section 216 provides a fine or imprisonment up to 2 years, or both, plus disqualification from holding any Federal position, for any Member of or Delegate to Congress or Resident Commissioner or any Federal officer or employee to take, receive, or agree to receive any money or thing of value for procuring for any person any contract from the United States, or for aiding the procurement or procuring of any such contract. The President may declare any such contract void.

Section 217 provides a fine or imprisonment up to 1 year, or both, for any officer or director or employee of a Federal Reserve bank or a bank with deposits insured by FDIC, or any national agricultural credit corporation, who makes a loan or gives any gratuity to the bank examiner who examines such bank. This applies to all examiners who examine member banks of the Federal Reserve System, federally insured banks, or national agricultural credit corporations, but not to private examiners employed only by a clearinghouse association.

Section 218 provides the same penalty as section 217 for any examiner who accepts a loan or gratuity from any bank, corporation, association, or organization examined by him.

Section 219 provides a fine or up to 1 year imprisonment, or both, for any person who "stipulates for or gives or receives" any fee, commission, bonus, or thing of value for procuring a loan, extension of credit, or discount from a Federal Reserve bank.

Section 220 provides the same penalty as section 219 for any officer, director, employee, agent, or attorney of any federally insured bank or national agricultural credit corporation (except as provided by law) who "stipulates for or receives" any fee, commission, gift, or thing of value for procuring a loan for any person.

Section 221 provides the same penalty as section 220 for any officer, director, attorney, or employee of a national farm loan association, a

Federal land bank, or a joint stock land bank organized under United States laws, who is the beneficiary of or receives any fee, commission, bonus, gift, or other consideration not authorized by law.

Section 222 provides a fine and imprisonment up to 1 year, or both, for any officer or employee of the United States who accepts any fee, gift, or other consideration in connection with the compromise of any farm indebtedness.

Section 223 provides a fine and imprisonment up to 2 years, or both, for any person or firm which receives any fee or consideration from any person applying to Home Owners Loan Corporation for a loan.

(NOTE.—The HOLC has been wound up.)

Chapter 37—Espionage and censorship

Section 791 provides that this chapter applies within the admiralty and maritime jurisdiction of the United States and on the high seas, as well as within the United States.

Section 792 provides a fine or up to 10 years' imprisonment, or both, for anyone who harbors any person he knows or has grounds to believe has committed or is about to commit an offense under the following two sections which deal with gathering, transmitting, or losing defense information, or obtaining such information for a foreign government.

Section 793 provides a fine or up to 10 years' imprisonment, or both, for each person who (a) obtains national-defense information with intent to use it to injure the United States or to aid any foreign nation; (b) with the intent set forth in subsection (a) copies or reproduces any matter or matters relating to national defense; (c) with such intent obtains, or attempts to obtain any document, sketch, or photograph, etc., of anything connected with the national defense if he knows or has reason to believe that the disposition of such document, sketch, or photograph, etc., is contrary to the provisions of this section; (d) has possession of or access to any such document, sketch, or photograph, etc., with reason to believe it could be used to injure the United States or the advantage of a foreign nation, and willfully delivers it to any unauthorized person, retains it and fails to deliver it to the proper officer of the United States; (e) having unlawful possession of or access to any such document, sketch, or photograph, etc., disposes of it otherwise than in accordance with the lawful procedure; or (f) having lawful possession of any such document, sketch, or photograph, etc., through negligence permits it to be removed or knowing that it has been illegally removed from its proper place fails to report it promptly to his superior officer.

Section 794 provides (a) up to 20 years' imprisonment in time of peace, and death or up to 30 years' imprisonment in time of war, for anyone who, with intent or reason to believe that it will be used to injure the United States or the advantage of a foreign nation, delivers to a foreign nation any document, sketch, or photograph, etc., relating to the national defense, and (b) death or imprisonment for up to 30 years for anyone who in time of war, with intent that the same shall be communicated to an enemy, collects, publishes, or communicates information with respect to movement, numbers, description, condition, or disposition of any of the Armed Forces, ships, aircraft, or war materials of the United States.

Section 795 provides a fine or up to 1 year imprisonment, or both, for anyone who makes any photograph, sketch, or map, etc., of any

military or naval installation or equipment with respect to which the President has restricted general dissemination of information.

Section 796 provides a fine or up to 1 year imprisonment, for anyone who uses or permits the use of aircraft or other means to photograph or sketch vital military and naval installations or equipment in violation of the preceding section.

Section 797 provides a fine or imprisonment up to 1 year, or both, for anyone who reproduces or disposes of any photograph, sketch, or map, etc., prohibited by section 795.

Section 798 provides a fine or up to 10 years' imprisonment, or both, for anyone who knowingly gives an unauthorized person, or publishes or uses contrary to the interests of the United States or the benefit of any foreign government, classified information concerning codes or ciphers, the design, construction, or use of any cryptographic devices, communication intelligence activities, or classified information obtained by communication intelligence from a foreign government.

Chapter 115—Treason, sedition, and subversive activities

Section 2381 provides the death penalty, or imprisonment for not less than 5 years, a fine, and disqualification for any office under the United States, for anyone owing allegiance to the United States who levies war against the United States or adheres to their enemies.

Section 2382 provides a fine or imprisonment up to 7 years, or both, for anyone owing allegiance to the United States who has knowledge of any treason against the United States and fails to disclose it.

Section 2383 provides a fine or imprisonment up to 10 years, or both, and disqualification for any office under the United States, for anyone who incites or engages in rebellion against the United States or its laws.

Section 2384 provides a fine or imprisonment up to 6 years, or both, for persons subject to jurisdiction of the United States who conspire to overthrow the Government by force, to levy war against them, or otherwise to oppose their authority.

Section 2385 provides a fine or imprisonment up to 10 years, or both, and disqualification for employment under the United States for a period of 5 years, for anyone who (a) knowingly or willfully advocates overthrowing the Government by force or violence, (b) with such intent prints or distributes any matter so advocating, or (c) organizes or helps organize any society or group for the purpose.

Section 2386 provides a fine or imprisonment up to 5 years, or both, for whoever violates the law requiring registration of certain organizations with the Attorney General or in a statement filed under this section willfully makes any false statement or omits any material fact. Organizations required to register with the Attorney General under this section are those (a) subject to foreign control which are engaged in political activity, (b) which engage in civilian military activity and political activity, (c) subject to foreign control which engage in civilian military activity only, and (d) the purpose of which is the establishment or overthrow of a government by the use of force or violence. Definitions and the requirements of registration statements also are set forth. United States Armed Forces, National Guard units, law-enforcement agencies, and national veterans' organizations, and the diplomatic missions and consular offices of foreign governments are not required to register under this section.

Section 2387 provides a fine or imprisonment up to 10 years, or both, plus disqualification for Federal employment for 5 years, for anyone who with intent to impair the loyalty or morale of military or naval forces causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty.

Section 2388 provides a fine or imprisonment up to 20 years, or both, for anyone who, when the United States is at war, willfully makes or conveys false reports with intent to impede military or naval forces or operations or help our enemies, or causes or attempts to cause any insubordination, disloyalty, mutiny, or refusal of duty. Whoever harbors or conceals any such person is subject to a fine or imprisonment up to 10 years, or both.

Section 2389 provides a fine or imprisonment up to 5 years, or both, for anyone who recruits soldiers or sailors to engage in armed hostility against the United States.

Section 2390 provides a fine or imprisonment up to 3 years, or both, for anyone who enlists with intent to serve in armed hostility against the United States.

Chapter 15—Claims and services in matters affecting the Government

Section 281 provides a fine or imprisonment up to 2 years, or both, and disqualification for holding any Federal position, for any Member of or Delegate to Congress or Resident Commissioner (either before or after qualification) and for any officer or employee of the United States who receives any compensation for services related to any proceeding, arrest, contract, claim, and so forth in which the United States is a party or is interested before any department, court-martial, officer, or commission. Retired officers of the Armed Forces while not on active duty are generally exempt from this section, but this does not allow such a person to represent anyone in selling to the department from which he is retired. This section does not apply to anyone because of membership in the National Guard of the District of Columbia or who is otherwise exempted by act of Congress.

Section 282 provides a fine and up to 2 years' imprisonment, or both, plus disqualification from holding any Federal position, for any Member of or Delegate to Congress or Resident Commissioner who practices in the Court of Claims.

Section 283 provides a fine and up to 1 year imprisonment, or both, for any officer or employee of the Government who acts as agent or attorney to prosecute any claim against the United States or aids the prosecution of such claim, otherwise than in the proper discharge of official duties, or who receives any gratuity or share in any such claim in consideration of his assistance. An exemption is provided for this section for retired officers of the Armed Forces, similar to that provided under section 281.

Section 284 provides a fine or up to 1 year of imprisonment, or both, for any former officer or employee of the United States (including commissioned officers) who within 2 years after separation prosecutes, or acts as attorney or agent for prosecuting, any claim against the United States involving a subject matter directly connected with his former employment or duty.

Chapter 23—Contracts

Section 431 provides a fine up to \$3,000 for a Member of or Delegate of Congress, or Resident Commissioner, either before or after he is

qualified directly or indirectly himself or any person in trust for him for his use or benefit or on his account undertakes, executes, holds, or enjoys any contract or agreement made or entered into in behalf of the United States or an agency thereof by any officer or person authorized to make contract on his behalf and declares that all contracts or agreements made in violation of this section shall be void.

Section 432 provides the same penalty as section 431 for the officer or employee acting on behalf of the United States or any agency who directly or indirectly makes or enters into any contract, bargain, or agreement with any Member of or Delegate of Congress or any Resident Commissioner.

Section 433 provides certain exemptions with respect to certain contracts entered into and such exemptions are made a matter of public record.

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Calendar No. 2261

83^D CONGRESS
2^D SESSION

S. 2631

[Report No. 2231]

IN THE SENATE OF THE UNITED STATES

JANUARY 7, 1954

Mr. WILLIAMS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JULY 13 (legislative day, JULY 2), 1954

The Committee on the Judiciary discharged, and referred to the Committee on Post Office and Civil Service

AUGUST 5, 1954

Reported by Mr. CARLSON, with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

To prohibit the payment of Government retirement benefits to persons convicted of certain offenses.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That in the case of any person heretofore or hereafter
4 convicted of any offense defined in chapter 11 (relating to
5 bribery and graft), chapter 37 (relating to espionage and
6 censorship), chapter 115 (relating to treason, sedition, and
7 subversive activities), section 281, 282, or 283 (relating
8 to claims and services in matters affecting the Government),
9 or section 431 or 432 (relating to interest by Members of

1 Congress in Government contracts), of title 18 of the United
2 States Code, because of any act done by him while serving
3 as an officer or employee of the Government, or convicted
4 of a violation of section 284 of such title, or convicted of
5 any other offense involving the improper use of his authority,
6 influence, power, or privileges as such an officer or employee
7 or otherwise related to his service as such an officer or
8 employee, and in the case of any person heretofore or here-
9 after convicted of perjury committed in falsely denying the
10 commission of an act constituting any such offense or an
11 act which would have violated any such provision if it had
12 been committed subsequent to the date of enactment of such
13 provision, no annuity or retired pay shall be paid for any
14 period following the date of such conviction or the date of
15 enactment of this Act, whichever is later, to such person or,
16 on the basis of the service of such person, to any survivor
17 of such person.

18 SEC. 2. In the case of any such person so convicted,
19 any amounts contributed by him toward the annuity the
20 benefits of which are denied under this Act, less any sums
21 previously refunded or paid as annuity benefits, shall be
22 returned to such person with interest at such rates as may be
23 provided in the case of refunds under the law, regulation, or
24 agreement under which the annuity is payable, or if no
25 such rates are so provided at the rate of 4 per centum per

1 annum to December 31, 1947, and 3 per centum per annum
2 thereafter, compounded on December 31 of each year. In
3 the event a person entitled to a refund under this section
4 dies prior to the making of such refund, the refund shall be
5 made to such person or persons as may be provided in the
6 case of refunds under the law, regulation, or agreement under
7 which the annuity the benefits of which are denied under this
8 Act is payable or, if no such provision is made, in the order
9 of preference prescribed in section 12 (e) of the Civil
10 Service Retirement Act of 1930, as amended.

11 *SEC. 3. The right to receive an annuity or retired pay*
12 *shall be deemed restored to any person convicted, prior to,*
13 *on, or after the date of enactment of this Act, of an offense*
14 *which is specified in the first section of this Act, for which*
15 *he is denied an annuity or retired pay, to whom a pardon*
16 *of such offense is granted by the President of the United*
17 *States, prior to, on, or after the date of enactment of this Act,*
18 *and to the survivor or beneficiary of such person. Such*
19 *restoration of the right to receive an annuity or retired pay*
20 *shall be effective as of the date on which such pardon is*
21 *granted. Any amounts refunded to such person under sec-*
22 *tion 2 of this Act shall be redeposited before credit is allowed*
23 *for the period or periods of service covered by the refund.*
24 *No payment of annuity or retired pay shall be made for any*
25 *period prior to the date on which such pardon is granted.*

1 SEC. 3 4. As used in this Act—

2 (a) The term “officer or employee of the Government”
3 includes a civilian officer or employee under the legislative,
4 executive, or judicial branch of the Government, a civilian
5 officer or employee of the Government of the District of
6 Columbia, and an officer or enlisted member of the Armed
7 Forces of the United States.

8 (b) The term “annuity” means any retirement benefit
9 payable by any department or agency of the United States
10 or the District of Columbia upon the basis of service as a
11 civilian officer or employee of the Government, except that
12 such term does not include salary or compensation which
13 may not be diminished under section 1 of article III of the
14 Constitution or, in the case of a benefit payable under the
15 Social Security Act as amended, any portion of such benefit
16 not based upon service as an officer or employee of the
17 Government.

18 (c) The term “retired pay” means retired pay or retire-
19 ment pay payable under any law of the United States to
20 members or former members of the Armed Forces of the
21 United States retired or determined to be entitled to retire-
22 ment pay.

23 (d) The term “offense” means any violation of law
24 (including a violation cognizable under the Articles of War,
25 the Articles for the Government of the Navy, or the Uniform

1 Code of Military Justice) punishable at the time of com-
2 mission of such violation by imprisonment for more than one
3 year, and any violation of a provision of law referred to
4 in the first section of this Act.

5 SEC. ~~4~~ 5. This Act shall not prevent the payment of
6 retired pay granted to any person because of a service-con-
7 nected disability incurred as a member of the Armed Forces
8 in combat with an enemy of the United States or resulting
9 from an explosion of an instrument of war.

10 SEC. ~~5~~ 6. If any provision of this Act, or the application
11 of such provision to any person or circumstance, shall be held
12 invalid, the remainder of this Act, or the application of such
13 provision to persons or circumstances other than those as
14 to which it is held invalid, shall not be affected thereby.

A BILL

To prohibit the payment of Government retirement benefits to persons convicted of certain offenses.

By Mr. WILLIAMS

JANUARY 7, 1954

Read twice and referred to the Committee on the Judiciary

JULY 13 (legislative day, JULY 2), 1954

The Committee on the Judiciary discharged, and referred to the Committee on Post Office and Civil Service

AUGUST 5, 1954

Reported with amendments

SENATE

11. FLOOD CONTROL. Passed, 77 to 2, with amendments H. R. 9859, the omnibus flood control bill, which authorizes \$20,000,000 additional to this Department for work on watersheds. Senate conferees were appointed. (pp. 14118-37.)
 12. FOREIGN AID; SURPLUS COMMODITIES. Agreed to the conference report on H. R. 9924 (see item 4 above) (pp. 14076, 14138-9).
 13. PERSONNEL. Agreed to the conference report on H. R. 2263, the fringe-benefits personnel bill (p. 14138).
Passed with amendments H. R. 9709, to extend and improve the unemployment compensation program, which includes a provision extending it to approximately 2.5 million Federal employees (pp. 14114-7).
Passed with amendment H. R. 9909, to prohibit payment of Government retirement benefits to persons convicted of certain offenses (pp. 14148-52). Agreed to a Williams amendment extending from 3 to 5 years the statute of limitations on certain crimes (pp. 14149-52).
Sen. Knowland submitted amendments he intends to propose to H. R. 7774, to establish a uniform system of granting incentive awards to Federal employees (p. 14076).
 14. COMMODITY CREDIT CORPORATION. The amendment by Sen. Holland (see Digest 157) to H. R. 9756, to increase the borrowing power of CCC from \$8.5 billion to \$10 billion, would include mangoes in the provision which would prohibit imports of certain commodities that do not comply with USDA marketing orders. The amendment also would make this provision effective upon the enactment of H. R. 9756 or the Agricultural Act of 1954, whichever occurs later.
 15. NOMINATION. Received the nomination of Herbert Hoover, Jr., to be Under Secretary of State (p. 14170).
 16. INVESTIGATIONS; PERSONNEL. Concurred in the House amendments to S. 2308, to give the Attorney General concurrent jurisdiction over investigation of violations of title 18 of the U. S. Code (regarding crimes) by Government officers and employees, except for members of the armed forces and the Post Office Department (p. 14139). This bill will now be sent to the President.
 17. CONVENING OF CONGRESS. Passed without amendment H. J. Res. 585, to provide that the 84th Congress shall convene at noon on Wed., Jan. 5, 1955 (p. 14097). This measure will now be sent to the President.
 18. COMPTROLLER GENERAL. Passed without amendment S. 3868, to authorize the payment of salary to any individual given recess appointment as Comptroller General of the U. S. before the beginning of the 84th Cong. (pp. 14080-1).
 19. LEGISLATIVE PROGRAM. H. R. 9756, increasing the borrowing power of CCC from \$8.5 billion to \$10 billion, was made the unfinished business (p. 14152). The "Daily Digest" states that there will be a call of the calendar and consideration of various conference reports during Wed. (p. D996).
- ITEMS IN APPENDIX
20. FARM PROGRAM. Rep. Hunter inserted his summary of the accomplishments of this Congress and the administration in the field of agriculture and related

matters (pp. A6081-6).

Sen. Beall inserted a Baltimore Sun editorial, "An Investment Pays Off," commending the President for the progress of his legislative program and stating that his program, "designed to bring more resiliency into the whole structure of farm supports, was argued before the true farmers of the country as if he and Secretary Benson had never heard of the political farmers" (p. A6098).

Sen. Thye inserted a St. Paul Pioneer Press article, "Benson Strategy," discussing passage of the farm bill and stating that "the result is being widely hailed as a personal triumph for Secretary Benson" (p. A6099).

21. **MARKETING.** Rep. Church inserted a Federal Reserve Bank (Chicago) agricultural letter discussing rising marketing costs and the share of the farmers and the middlemen (pp. A6087-8).

Rep. Hill inserted his recent address before the Annual Convention of the Independent Grocers Alliance discussing the problems of marketing, food distribution, and "the battle against waste of fruit and vegetables" (pp. A6092-3).

22. **TAXATION.** Extension of remarks of Reps. Knox and Berry giving some of the highlights of the new tax law (pp. A6088-90, A6129-30).

23. **DROUGHT RELIEF.** Extension of remarks of Rep. Moulder criticizing the administration of the drought relief program and inserting a Daily Democrat-Leader (Fayette, Mo.) article stating that "we say it is a rotten deal and not worth the price of the airplane tickets Washington spent to send men out here to decide which class of farmer they would try to help" (p. A6101).

Rep. Hill inserted a statement explaining assistance available under the drought-relief program (pp. A6118-9).

24. **FOREIGN TRADE.** Rep. Bailey inserted O. R. Strackbein's (chairman of the Nationwide Committee of Industry, Agriculture, and Labor on Import Policy) statement discussing to what "extent imports may be injurious, a matter of indifference or even helpful" (pp. A6106-8).

25. **FARM LABOR.** Rep. Rooney inserted a Nat'l Catholic Weekly Review America commenting on the Mexican "wetback" problem (p. A6109).

26. **PRICE SUPPORTS.** Sen. Thye inserted a Washington Post and Times Herald editorial and his letter in response to the editorial which he said "clearly and unmistakably" impugn the motives of those Members of the Senate who opposed changing the level of farm price supports (pp. A6119-20).

BILLS INTRODUCED

27. **PERSONNEL; HOLIDAYS.** S. Con. Res. 105, by Sen. Johnston (introduced Aug. 13), to excuse Government employees from work on the afternoon of Aug. 31, 1954, to attend the parade of The American Legion in D. C.; to Post Office and Civil Service Committee.
28. **FARM LOANS.** S. 3877, by Sen. Gillette, to accelerate establishment of comprehensive soil- and water-conserving works on private and public property through provision of appropriate credit for conservation, reforestation, and water-control work; to Agriculture and Forestry Committee (p. 14075). Remarks of author (pp. 14075-6).

We might as well make it effective on December 31, 1954."

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. There is a great deal of merit in the position taken by the senior Senator from Georgia [Mr. GEORGE]. He is not able to be present this evening, and I regret that he is not here, because I know he is very much concerned with this proposed change in the law. He has spoken to me several times about it.

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. CARLSON. I was wondering whether the distinguished Senator from Colorado would not agree, if we should accept an extension until the year 1955, that it might not be necessary to have a conference. In other words, the bill might go back to the House and the House might accept the 1-year extension, whereas a 2-year extension might require a conference.

I believe 1 year would be sufficient. Most legislatures meet at the beginning of 1955. It seems to me that would be sufficient time for legislatures to make necessary provisions and for employers to make provision. I sincerely hope the Senator will agree to that modification.

Mr. JOHNSON of Colorado. Of course, 1 year would be of great help.

Mr. THYE. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. THYE. I believe the Senator from Kansas has made an excellent suggestion, because if we should provide for an extension of 1 year the legislatures which meet in 1955 would have an opportunity to amend their laws and adjust themselves to whatever change the Federal law may require of them. That is all that should be necessary. They would be alerted. They would be in a position to take care of themselves. I am sure 1 year would be sufficient.

Mr. JOHNSON of Colorado. Of course, I should be glad to bow to the judgment of my colleagues. They think that 1 year would be about right.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. MILLIKIN. I believe the case that has been made for a 1-year extension is a very persuasive one. The House might accept it. I feel confident that it would not accept an extension of 2 years.

Mr. JOHNSON of Colorado. Very well. I shall bow to the judgment of my colleague.

The PRESIDING OFFICER. Does the Senator from Colorado modify his amendment?

Mr. JOHNSON of Colorado. Mr. President, I modify my amendment so as to make it read "1955." I move to strike out "1954" and insert in lieu thereof "1955."

The PRESIDING OFFICER. The Senator modifies his amendment accordingly.

The question is on agreeing to the amendment of the Senator from Colorado [Mr. JOHNSON], as modified.

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, its reading clerk, communicated to the Senate the intelligence of the death of Hon. PAUL W. SHAFER, late a Representative from the State of Michigan, and transmitted the resolutions of the House thereon.

The message announced that the House had passed, without amendment, the following bills of the Senate:

S. 417. An act conferring jurisdiction upon the United States District Court for the District of New Mexico, to hear, determine, and render judgment upon certain claims arising as a result of the construction by the United States of Elephant Butte Dam on the Rio Grande;

S. 2083. An act for the relief of Lawrence F. Kramer;

S. 2496. An act for the relief of Harvey Schwartz;

S. 2632. An act for the relief of the Epes Transportation Corp.;

S. 2801. An act for the relief of Graphic Arts Corp. of Ohio;

S. 3110. An act for the relief of the Portsmouth Sand & Gravel Co.;

S. 3251. An act to provide for the conveyance of certain mineral rights to Mrs. Pearl O. Marr, of Crossroads, N. Mex.; and

S. 3562. An act for the relief of the McMahon Co., Inc.

The message also announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H. R. 1461. An act for the relief of Kenneth McRight;

H. R. 2781. An act for the relief of Nicholas Matook;

H. R. 3014. An act for the relief of Dr. Alfred L. Smith;

H. R. 3232. An act for the relief of Dennis F. Guthrie;

H. R. 3446. An act for the relief of Mrs. Emily Wilhelm;

H. R. 6290. An act to discontinue certain reports now required by law; and

H. R. 6529. An act for the relief of Raleigh Hill.

The message further announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H. R. 1980. An act to authorize and direct the Commissioners of the District of Columbia to construct a bridge over the Potomac River in the vicinity of Jones Point, Va., and for other purposes;

H. R. 3384. An act for the relief of John B. Daniel, Inc.; and

H. R. 7853. An act to permit retired policemen, firemen, and teachers of the District of Columbia to waive all or part of their annuities, relief, or retirement compensation.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the

amendment of the House to the bill (S. 2670) to provide for the termination of Federal supervision over the property of certain tribes, bands, and colonies of Indians in the State of Utah and the individual members thereof, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9757) to amend the Atomic Energy Act of 1946, as amended, and for other purposes.

The message also announced that the House had agreed to the following concurrent resolutions of the Senate:

S. Con. Res. 106. Concurrent resolution to correct an error in the enrollment of H. R. 1975, to amend section 2201 of title 28, United States Code, to extend the Federal Declaratory Judgments Act to the Territory of Alaska; and

S. Con. Res. 107. Concurrent resolution to correct an error in the enrollment of H. R. 8020, authorizing the transfer of certain property of the United States Government (in Klamath County, Oreg.) to the State of Oregon.

PERMANENT CARGO PREFERENCE BILL—RELEASE ISSUED BY COMMITTEE OF AMERICAN STEAMSHIP LINES

Mr. BUTLER. Mr. President, I ask unanimous consent to have inserted in the body of the RECORD a release issued by the Committee of American Steamship Lines with reference to the passage by the Congress of the permanent cargo preference bill.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

Passage Thursday by the House of Representatives of permanent 50-50 legislation for American shipping will have a healthy effect on employment of merchant ships, seafaring and shoreside labor, and major ports in the country. C. C. Mallory, chairman of the Committee of American Steamship Lines, said today upon receiving word of the House action.

"This is excellent news for shipping, but also for all United States industry, depending as it does upon American-flag ships for export and import trade," he declared. "It is a major development in augmenting individual steamship lines' efforts to insure sufficient cargoes and expanded world trade in the months ahead."

He paid special tribute to what he termed the public-interest statesmanship of the Senate Subcommittee on Water Transportation, chairmanned by Senator JOHN M. BUTLER, Republican, of Maryland, and the House Merchant Marine and Fisheries Committee, headed by Congressman THOR C. TOLLEFSON, Republican, of Washington, for passage of the legislation through both Houses of Congress during this session.

Mr. BUTLER. Mr. President, I was especially pleased by the action of the House of Representatives last week in passing the cargo preference bill, S. 3233, which I introduced some time ago. Having as its purpose the mandatory requirement that at least 50 percent of all United States Government cargoes be transported in American vessels, this legislation crystallizes a long standing feel-

ing of growing substance and momentum that it is only reasonable for us to allocate this minimum portion of our cargoes to our privately owned vessels and that we would indeed be naive in not adhering to such a policy.

These opinions are not shared by many of our friends abroad, however, and as a typical illustration, I ask unanimous consent to have printed in the body of the *RECORD* at this point an editorial entitled "The Other Butler," which appeared in the July 8, 1954, edition of the British publication *Shipbuilding and Shipping Record*.

There being no objection, the editorial was ordered to be printed in the *RECORD*, as follows:

THE OTHER BUTLER

On each side of the Atlantic there is a Butler. Here, he is Chancellor of the Exchequer now kindly disposed towards shipping—finding in it some useful metaphors for his speeches, and helping it to the limited extent he deems possible in present circumstances. In America he is a Senator, chairman of the Senate Water Transportation Subcommittee and a "staunch advocate of a strong American merchant marine." The Senator has just got through the Senate a bill which, if enacted, will perpetuate the 50-50 rule as applied to American Government-aid cargoes. Like the poor, it will always be with us. In fact, the principle has already been with us for a long time. It may not be generally appreciated that as far back as 1934 Congress passed a resolution (Public Resolution 17) that all exports financed through the Reconstruction Finance Corporation should be carried exclusively in United States flag ships if available. The principle of this legislation was given a certain degree of legislative force by the Merchant Marine Act of 1936, which decreed that "a substantial portion of American cargoes should be carried in American bottoms."

When Marshall aid was given to the war-torn countries of Europe, the cargoes were sent in American ships. No one could cavil at that; it would have been churlish to object to the "postfree" gift, even if, privately, some doubts were entertained as to its effects. In some quarters it was felt that the dollars which had to be spent on freights might have been more usefully employed in helping the countries concerned to get back on their feet. Then followed the succession of Mutual Security Aid, stockpiling and Government-financed cargoes, and the application of the 50-50 provision in every case. The necessary authority to insure this had to be written into every measure. Senator BUTLER's bill seeks to make this provision a permanent part of all American legislation which has to do with Government-financed cargoes. It is known that the United States administration is opposed to the idea and, of course, it does not follow that every bill introduced into the American legislature emerges as an act.

In this country it is not always easy to know which is the "official" and which the "business" voice of America. The recommendations of the maritime subsidy policy report issued by the Department of Commerce includes one that Government efforts should be continued to minimize the effect of discriminatory practices of foreign nations against United States flag shipping. That is a proposal which every maritime nation opposed to flag discrimination could heartily support as applied to itself, as well as to America. But then we have Mr. James Stuart, president of the American Tramp Shipowners' Association, saying that the only hope for the survival of the tramp fleet is to have certain cargoes restricted to American-flag vessels in accordance with the terms

of the Butler legislation. It is difficult to see what makes discrimination improper when directed against American ships, and proper when it is exercised in favor of them.

Across the Atlantic there is a readily understood desire not to have to depend on foreign ships if another war should unhappily break out. But when that is linked with a recommendation that, to quote the report referred to above, "all Government assistance in providing cargo and protection against unfair foreign competition should be provided" for the United States merchant fleet, all kinds of questions arise. Who is to define "unfair competition"? What is a "high-cost" country? (The United Kingdom, for example, is a "low-cost" country vis-a-vis America, but a "high-cost" country as compared with some of its foreign competitors.) If every maritime country demanded, and obtained, such help from its own government as this Commerce Department report suggests, chaos would result. Government intervention in normal commercial operations is rarely successful.

Mr. BUTLER. Mr. President, while I am honored to be compared with the distinguished Chancellor of the Exchequer of the United Kingdom, I would remind our British friends that recommendation No. 15, contained on page 120 of the Maritime Subsidy Policy Report of this Government, stipulated that "The cargo preference provision of existing law should be continued as a part of our national maritime policy."

Also, Under Secretary of Commerce Robert B. Murray, Jr., in testifying before the Senate Water Transportation Subcommittee on May 3, 1954 emphatically stated: "Cargo preference legislation has been of substantial assistance in providing a firm backlog for the United States overseas fleet. This type of aid should be continued as a part of our national shipping policy."

By way of further rebuttal, I would direct the attention of our allies to another editorial published by the Baltimore Sunday American on August 8, 1954, entitled "Why Not All?" which, Mr. President, I ask to be printed in the *RECORD* at this point.

There being no objection, the editorial was ordered to be printed in the *RECORD*, as follows:

WHY NOT ALL?

The President of the United States has been asked by the heads of two of the leading maritime organizations of the country, the Merchant Marine Institute of New York and the American Steamship Association, to do what he can to break the legislative log jam now preventing approval of a bill vitally important to the American merchant marine.

The bill, unanimously passed by the United States Senate and already having the unanimous approval of the Merchant Marine Committee of the House of Representatives, is now unaccountably being held up by the House Rules Committee.

Its purpose is to require that at least half of the cargoes shipped under the foreign-assistance program paid for by the American Government be carried in American ships.

It is urgent that this be done, because the foreign-assistance cargoes comprise a great part of the total maritime traffic; and with foreign ships carrying most of it there is nothing left for American shipping lines to do but lay up their idle vessels—which is exactly what has happened to 171 ships very recently.

It would be a very reasonable requirement, and certainly a sound one, that American

ships should get at least half of the maritime business for which the American people put up the money.

In fact, it would be an entirely proper requirement that all such cargoes be carried in American ships, since it seems rather silly that America should try to improve the prosperity of other countries and deliberately impair its own prosperity in the process.

Mr. BUTLER. Long did the British rule the seas and if left to them this domination would continue—at our expense. The announced policy of cargo preference, as now ratified by the Congress of the United States, offers a reasonable and essential protection for the preservation of the great American merchant marine.

PROHIBITION AGAINST PAYMENT OF GOVERNMENT RETIREMENT BENEFITS TO PERSONS CONVICTED OF CERTAIN OFFENSES

Mr. THYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THYE. Mr. President, I ask unanimous consent that the order for the call of the roll be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THYE. Mr. President, I have been informed by the majority leader that the next order of business would be Calendar No. 2261, Senate bill 2631, known as the Williams bill. I move that the Senate proceed to the consideration of Senate bill 2631.

The PRESIDING OFFICER. The clerk will state the bill by title.

The LEGISLATIVE CLERK. A bill (S. 2631) to prohibit the payment of Government retirement benefits to persons convicted of certain offenses.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota [Mr. THYE].

The motion was agreed to; and the Senate proceeded to consider the bill (S. 2631) to prohibit the payment of Government retirement benefits to persons convicted of certain offenses, which had been reported from the Committee on the Judiciary with amendments.

Mr. WILLIAMS. Mr. President, the pending business is now Senate bill 2631. However, House bill 9909 is before the Post Office and Civil Service Committee, which bill is the same in substance as the Senate bill. Therefore, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from the further consideration of House bill 9909, and that it be now considered in lieu of Senate bill 2631.

Mr. CLEMENTS. Mr. President, is the House bill a companion bill to the Senate bill?

Mr. WILLIAMS. It is. The House bill was introduced by Representative CRETILLA; and in order to expedite the legislation, I should like to have the Senate consider the House bill.

The PRESIDING OFFICER. Without objection, the Committee on Post Office

and Civil Service is discharged from the further consideration of House bill 9909.

Is there objection to the present consideration of the House bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 9909) to prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes.

Mr. WILLIAMS. Mr. President, the purpose of this bill is to bar, after its enactment, the payment of annuity or retired pay based on service performed by any individual under any retirement system applying to civilian officers and employees of any branch of the Federal or District of Columbia Governments, and officers or enlisted members of the Armed Forces of the United States, to any person who prior or subsequent to the enactment of the bill was or is convicted of any criminal offense.

Under the existing law, there is no provision which will prevent employees of the Federal Government who have been convicted of crimes involving disloyalty to the United States or corruption and dishonesty in the execution of their authority from being paid full retirement pensions upon reaching the statutory retirement age.

For example, one former State Department employee who was convicted of perjury for denying that he had given highly classified secrets to an agent of a foreign power, will, under the present law, be eligible to receive regular retirement benefits upon reaching the age of 62.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. MUNDT. I presume the Senator from Delaware is referring to Mr. Alger Hiss, who is at present incarcerated in a Federal penitentiary.

Mr. WILLIAMS. That is correct. The Senator from South Dakota and I have had bills pending for several months before the Senate committee. As he knows, in a discussion of the subject, we agreed to accept the House bill in order to expedite the legislation.

Mr. MUNDT. The bills introduced by the senior Senator from Delaware and the senior Senator from South Dakota have been before the Senate committee for considerably more than a year.

Mr. WILLIAMS. That is correct.

Mr. MUNDT. In consultation with the distinguished Senator from Kansas [Mr. CARLSON], chairman of the Committee on Post Office and Civil Service, we were advised that a similar bill was moving through the House. I quite agree with the Senator from Delaware that the best approach is to have our bills set aside and to pass the House bill, which incorporates exactly what we desire to have included in our bills. This makes a very closely drawn, clear-cut legal instrument for depriving Alger Hiss, and others like him, from receiving their pensions, while at the same time recognizing the contractual understanding by returning to them, with interest, whatever money they have invested in the pension fund.

Mr. WILLIAMS. The Senator is correct.

Mr. CARLSON. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS. I yield.

Mr. CARLSON. The Senator from South Dakota mentioned that some of the bills had been before the Senate committee for a considerable length of time.

Senate bill 2361, which was reported, and which was considered as we opened the discussion of this subject a few minutes ago, has now been replaced by the House bill, which has been before the Committee on Post Office and Civil Service for only 2 or 3 weeks, it having been previously before the Committee on the Judiciary for many months.

Mr. WILLIAMS. That is true. However, as the Senator from South Dakota has pointed out, in view of the fact that the House decided just to hold hearings, it was agreed that the Senate should wait until the House had acted, in order that there might not be overlapping in connection with the proposed legislation.

I am glad that action is now being taken before this Congress adjourns.

Mr. MUNDT. There was no implied criticism in the statement which I made. I merely pointed out a fact. More than a year ago the Senator from Delaware and I had both introduced bills on this subject, and we were quite insistent that before this Congress adjourned one of those bills should be passed.

It is entirely proper that the House bill, which was passed first, should have priority. I am perfectly willing to waive consideration of our bills and have the House bill passed, because any 1 of the 3 bills would achieve the desired result, namely, to deny to Alger Hiss, who will be eligible for parole sometime in the next 60 or 90 days, the opportunity to live the rest of his life on the taxpayers of America, as a result of having been pensioned before he committed perjury and before his espionage activities had come to public attention.

Mr. CARLSON. Mr. President, I commend the Senator from Delaware and the Senator from South Dakota for their interest in the subject. I am pleased that the Committee on Post Office and Civil Service unanimously reported the bill. The committee had under consideration both the House bill and the Senate bill. I think the proper course has been followed by substituting the House bill for the Senate bill, in order that there may be prompt action.

Mr. WILLIAMS. Mr. President, there are also two cases in which former Members of Congress have been convicted by the courts of corrupt practices while in public office. In one of these cases the individual is now receiving a pension from the United States Government, while the other individual will be eligible for his pension upon reaching the age of 62.

During the past 2 years many high public officials, a large percentage of whom were employed in the Treasury Department, likewise have been convicted in the courts of such crimes as bribery, embezzlement, and the like. In

each of these cases, unless the retirement laws are amended, the convicted officials will upon reaching the statutory retirement age be eligible for all the retirement benefits which are now extended to honest public officials. That is wrong. No public official who has been convicted by the courts of having unlawfully used his position to enrich his own personal fortune or who willfully betrays his country to a foreign power should be pensioned at the expense of the American taxpayers.

Our retirement laws were enacted to provide some degree of security for faithful Government employees who, after spending many years in Government service, reach the age of retirement.

The bill would accomplish the following purposes:

First. It would prohibit the payment of a retirement annuity to any Member of Congress, public official, or member of the armed services who has been convicted of accepting bribes or other offenses involving the improper use of authority or power derived from his office, or to persons convicted of certain crimes involving disloyalty to the United States.

Second. It would provide for the refund to the convicted employees of their contributions to the retirement fund.

The refund of the retirement payments in cases in which the benefits are rescinded is only fair, since to confiscate those funds would, in effect, be a fine in addition to that imposed by the courts.

The bill would apply to all Federal employees, including Members of Congress.

Mr. President, for myself and on behalf of the Senator from Kansas [Mr. SCHOEPP] and the Senator from Michigan [Mr. FERGUSON] I offer an amendment which I ask to have read.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to add the following new section:

SEC. 7. (a) Section 3282 of title 18 of the United States Code is amended by striking out "three" and inserting in lieu thereof "five."

(b) The amendment made by subsection (a) shall be effective with respect to offenses (1) committed on or after the date of enactment of this act, or (2) committed prior to such date, if on such date prosecution therefor is not barred by provisions of law in effect prior to such date.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware [Mr. WILLIAMS] for himself and on behalf of the Senator from Kansas [Mr. SCHOEPP] and the Senator from Michigan [Mr. FERGUSON].

Mr. WILLIAMS. Mr. President, the purpose of this amendment is to extend from 3 to 5 years the statute of limitations with respect to a certain list of crimes. The same amendment was previously agreed to by the Senate and attached to the tax bill, H. R. 8300. However, the amendment was not retained in conference.

The amendment is very important. I think it is appropriate to include it in

this bill which has already passed the House. By so doing we can expedite the consideration of both legislative questions before Congress adjourns. Therefore, I ask that the Senate agree to the amendment.

The Department of Justice has urgently requested that the amendment be accepted. In recent weeks the great need of this amendment has been pointed out in connection with cases involving former Government officials. Cases have been referred to the Department only to be returned with the notation that the statute of limitations had expired. As a result certain corrupt public officials will go unpunished.

Congress would be negligent in meeting its responsibilities if it did not make certain that both these measures were enacted before we adjourn.

In discussing the need of extending the statute of limitations from 3 years to 5 years it must be remembered that oftentimes the corrupt act of the public official will go undetected months or perhaps even years. Therefore the need of a greater length of time than the existing 3-year limit is apparent.

Mr. GILLETTE. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. GILLETTE. Will the Senator from Delaware comment upon the effect of the bill in increasing the penalty imposed upon a person who had been convicted at a prior time? Would not the penalty be increased because of the enactment of the bill?

Mr. WILLIAMS. That portion of the bill to which the Senator is directing his remarks provides for the refund to the employee of all his contributions to the retirement fund, plus accumulated interest, in exactly the same manner as if the person had voluntarily withdrawn his money.

The committee decided, in reporting the bill, that it would be unfair to confiscate the contributions of the former employee, because to do so would, in effect, represent a fine in addition to that imposed by the court. The bill merely provides that if a person is convicted—and he must have been convicted of a crime which is among those specified and which relates to the official conduct of his office—such individual shall have no further rights under the retirement system of the Government.

Mr. GILLETTE. Would not the effect be that the individual would have no choice in the matter?

Mr. WILLIAMS. That is correct.

Mr. GILLETTE. The amount he has paid, with the accumulation of interest, will be refunded; but, in effect, a person who has been convicted and sentenced at a prior time will now have an additional penalty imposed upon him by being involuntarily placed in a position in which he will be deprived of vested rights.

Mr. WILLIAMS. That is correct. He cannot avoid that; although in cases in which an individual has not been on retirement and has not collected the full amount of retirement benefits, the individual will automatically receive an additional check. If he has been on retirement and has collected more, the

bill would not provide that he should make a refund but that payments would automatically stop with conviction.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. ANDERSON. Would the bill involve cases other than the so-called Hiss case?

Mr. WILLIAMS. Yes, the bill would involve the case of any employee of the Government who had betrayed his trust or used his position to enrich his own personal fortune by accepting bribes or selling his influence and for which he had been convicted in the courts.

Mr. ANDERSON. A Member of the House was convicted some time ago. His crime was not too well established; but apparently he had been guilty of a technical violation of the law. He is now out of Congress. Would the bill include him, as well? I have no objection to including the Hiss case.

There are several people that I can recall who have got into difficulties. While I do not wish to go back and retry their cases, I thought some of them were pretty decent sort of public servants. I am just wondering if the bill includes them all, or whether it hits directly at the Hiss case.

Mr. WILLIAMS. The bill takes in all Government employees who are convicted by the courts of crimes committed while in office. It does not attempt to spell out or pass upon the merits or demerits of the crime but recognizes that crime only after they are convicted in the courts of some act which was in relation to their official duties.

Mr. CARLSON. I should like to add that it must be a criminal offense.

Mr. ANDERSON. I was thinking of a former Representative from the State of Kentucky, one from the State of Ohio, and one from the State of New Jersey. Those three cases come to my mind. Apparently they were found guilty. Personally I never thought they were too evil characters. I wondered what the situation would be. Would they all be covered by the bill? I think there is a difference between a man who makes a mistake, probably a serious mistake, and a man who has been charged with selling his country down the river, as has been charged in the Hiss case.

Mr. WILLIAMS. Unquestionably there is a difference in cases. That difference would be taken into consideration at the time the court sentenced the man. We cannot pass on that. All we are passing upon is the right of a Government employee who has misused his office or who has betrayed his country to be carried on the retirement rolls. That is the question with which we are confronted. Personally, as one individual, and as the sponsor of proposed legislation, it was and is my contention that such persons should forfeit their rights to retirement benefits.

The bill does provide for the complete refund, with interest, of all the contributions which such individuals might have made prior to the time of their conviction.

This bill would also cancel the retirement benefits of any Government em-

ployee who claims the fifth amendment as the basis of refusal to give testimony regarding the official conduct of his Government office.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield to the Senator from South Carolina.

Mr. JOHNSTON of South Carolina. Is it not true that a Government employee enters into a contract with the Government in which he says, "You take so much out of my pay every month, and when I reach a certain age I shall receive a certain amount of annuity"? Does not a Government employee enter into such a contract?

Mr. WILLIAMS. It is true in one sense of the word that he enters into a contract, but it is also true that he must become a Government employee before he is entitled to retirement benefits, and when he becomes a Government employee he signs an oath that he will discharge his duties in a lawful manner and that he will be loyal to the United States Government. It is only after he violates his oath of office, or his contract, that the forfeit goes into effect. Thereafter all contracts with the Government are void.

Mr. JOHNSTON of South Carolina. Is this not a proposal to put an additional penalty on a man which was not contemplated at the time he entered into a contract with the Government?

Mr. WILLIAMS. No. We will be taking from him only a privilege. In the one Department alone to which reference has been made, there have been 214 indictments in the last 18 months, and there have been over 100 convictions. I do not think the American people will want to keep on the permanent retirement rolls persons who have forgotten that they accepted a public office and a public trust. I repeat again, the terms of the bill would not apply in the cases where men are merely charged or indicted; they would apply only in cases where there have been convictions by the courts for criminal action.

Mr. ANDERSON. Mr. President, will the Senator yield further?

Mr. WILLIAMS. I yield to the Senator from New Mexico.

Mr. ANDERSON. I dislike to mention names and cases and drag them into the debate, but I see no other way out. There was a Member of the House of Representatives from the State of Kentucky, Representative May, who was chairman of the Military Affairs Committee when I was in the House of Representatives. We all thought pretty highly of him. We thought he was a patriotic, energetic person.

There was no question of loyalty involved. He became mixed up in some sort of controversy. I have forgotten exactly what it was that he was convicted of. Will the bill change the terms of the conviction? I am also thinking of the case of Representative Parnell Thomas, who was of an opposite political faith of mine, and who was very active in the Un-American Activities Committee. I did not approve of what he did. I did not like the way he ran the committee. However, he was mighty

nice to me when I used to speak to him on the floor. He ran afoul of the law and was convicted. Would the bill change the terms of that conviction and the terms of the contract having to do with his pension? I am only asking that question.

Mr. WILLIAMS. First, I should like to emphasize that the bill would cover all Government employees as well as the two individuals mentioned, but since those two have been mentioned, let us deal with them. In both of those instances, those men were serving in the Congress prior to the time that any retirement system was established for Members of Congress. They were elected to serve, and they served their terms of office not expecting any retirement benefits. After they left Congress, retirement benefits were provided. In the case of the Representative from Kentucky, at the time he was convicted and sentenced to jail no retirement benefits were in effect as far as Members of Congress were concerned, because the congressional retirement system went into effect in 1946. Congress retroactively gave Members of Congress the right to make back payments and thereby become eligible. As far as the Congressman from Kentucky is concerned, when he was elected to Congress and when he signed his oath of office, he did not know there was going to be any retirement benefits, nor were there any deductions made from his pay for such retirement benefits.

By no stretch of imagination could it be said we are taking anything from him.

Mr. ANDERSON. He did make payments and entered into a contract.

Mr. WILLIAMS. The Representative from Kentucky, or any other Member of Congress, after the retirement law went into effect, could qualify under the law but surely that law was never intended to protect crooks or in Alger Hiss' case, a traitor.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield to the Senator from South Dakota.

Mr. MUNDT. We certainly would not be taking away any right. They have certain privileges as Members of Congress, if they desire to pay in a part of their salaries in order to contribute to the retirement fund. That law was enacted comparatively recently, starting in about 1948. If there are Members of the Senate or of the House who want to insist that the American taxpayers should be taxed to pay pensions to chiselers and crooks, we ought to take a yea and nay vote and find out just who want to tax the homefolks so the Government can pay pensions to jailbirds. This is a little astonishing to me. If that is going to be done, we should have a yea and nay vote. In my opinion, the bill should be passed unanimously. The proposal is to take away from the faithless people nothing but a privilege, and they will be returned every dime that they contributed, as well as interest. I do not think we should ask the taxpayers to contribute to pensions to faithless officeholders or chiselers.

Mr. THYE. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield to the Senator from Minnesota.

Mr. THYE. The question I wish to ask is that before such persons would be deprived of the rights of any retirement funds which have been accumulated to their credit, they would have to be convicted in a court. Is that correct?

Mr. WILLIAMS. That is correct, and then they will get all their contributions plus interest back. Surely that is as much as they have any right to expect.

Mr. THYE. Before any benefits would be taken from a Federal employee, the courts of the United States must have found him guilty of a violation, and then and then only would the retirement benefits be taken away from him. Is that correct?

Mr. WILLIAMS. That is right. The bill does not propose to stop a pension because a man would be charged with something on the floor of the Senate or even because a man might be indicted by a grand jury. He must be convicted by the courts. After he has been convicted by the court, the provisions of the bill would go into effect.

Mr. MUNDT. The issue is very clear. It is whether Members of Congress desire to have people back home pay taxes which will go toward the payment of pensions to jailbirds or not. They have to be a jailbird before pensions are stopped.

Mr. FERGUSON. Mr. President, will the Senator from Delaware yield to me?

Mr. WILLIAMS. I yield.

Mr. FERGUSON. I was a sponsor, I believe, of the original Senate bill in regard to these pensions. When I introduced the bill, I thought Government officers and employees convicted of such offenses were entitled to have their payments returned, with interest. I always thought that was a fair way to deal with the situation.

The House has passed House bill 9909. I hope the Senate will pass the House bill, as a proper way to deal with Government officers and employees who have been unfaithful to the trust reposed in them.

Mr. WILLIAMS. I certainly agree; and I hope the Senate will also adopt the amendment to give the Department of Justice 2 more years to catch these individuals.

Mr. FERGUSON. I should like to join the Senator from Delaware in sponsoring that amendment, if he is agreeable to having me do so.

Mr. WILLIAMS. I am glad to have the Senator from Michigan join in both proposals.

Mr. FERGUSON. I feel that the Statute of Limitations should be extended for that purpose. The new administration has taken over, and is investigating these cases. It would be sad if, while the administration is investigating the cases, the Statute of Limitations were to expire and these persons were permitted to go scot free.

As to those with respect to whom the Statute of Limitations has not run on the day we pass the bill, the statute should be extended.

Mr. WILLIAMS. That is correct.

Mr. COOPER. Mr. President, will the Senator from Delaware yield to me?

Mr. WILLIAMS. I yield.

Mr. HENDRICKSON. Mr. President, if the Senator from Delaware will yield to me, I was about to request that this bill be temporarily laid aside, so that the Senate might proceed to consider the conference report on the farm bill, a privileged matter.

Mr. WILLIAMS. I believe the Senate can take final action on this measure in a moment or two, if the Senator from New Jersey will withhold his request. It is important that this bill be passed tonight in order that the House can act before adjournment.

Mr. HENDRICKSON. Very well.

Mr. COOPER. Mr. President, there is no question about the power of Congress to legislate prospectively. I wish to ask the distinguished Senator from Delaware whether he considered the question of whether Congress can legislate so as to have the effect of abolishing contracts which have been entered into before the enactment of this bill. I am not trying to argue on the merits of the bill or whether the bill should be passed or should not be passed. I think all of us agree that no one who is a traitor to his country should be rewarded by his country. On the other hand, there is a problem which cannot be answered in that way.

Did the committee consider whether Congress can legislate retrospectively to dissolve or abrogate a contract?

Mr. WILLIAMS. That question was considered by both the House committee and the Senate committee. I know the Senate committee was unanimous in its decision in regard to that question, and I believe that the House committee was likewise unanimous in holding that Congress had a right to repeal these retirement benefits for convicted employees as well as the right to extend the statute of limitations from 3 to 5 years in order to have adequate time to catch corrupt officials. The Department of Justice has been pleading for this authority.

As the Senator from South Dakota [Mr. MUNDT] has pointed out, we do not owe these persons anything. It is a privilege to come under the Government retirement system, and the Government makes contributions to that system. This bill provides that all the money such persons have contributed to the retirement system shall be repaid to them, with interest.

The Attorney General, the Senator from Michigan [Mr. FERGUSON], who is an able lawyer, and many other members of the committee have agreed that the Government could not extend the statute of limitations retroactively. This measure applies only to cases in which the statute would not have run on the date of enactment of the bill. The amendment does not apply retroactively to extend the 2-year statute of limitations in regard to a case which expired yesterday.

The Attorney General advised that to make the bill retroactive would not be unconstitutional, and that was the decision of the members of the Judiciary Committee as well.

Mr. COOPER. I am not speaking of the amendment relating to the statute of limitations. My question relates to the contract.

Mr. MORSE. But let me point out that is not a right.

Mr. WILLIAMS. When these persons accepted public office, they signed or took an oath that they would live up to the laws of the United States and would be loyal to our country. Once they violate that oath of office, the Government has a right to terminate any contract it may have with them.

Mr. COOPER. The Senator from Delaware stated, I believe, that the Attorney General rendered an opinion relating to the statute of limitations. Does the committee have from the Attorney General an opinion on the question of whether payments could be cut off in connection with contract arrangements entered into before the enactment of the bill?

Mr. WILLIAMS. I do not know whether or not the chairman of the committee had such an opinion on the retirement question. Congress does not usually request the Attorney General to state whether Congress can raise or lower the civil-service-retirement benefits. The Senator from Kentucky knows that on many occasions Congress has voted to increase benefits under the system. Congress has full authority in that respect. After all, Congress enacted the law providing such benefits.

In this case we are not proposing to affect any honest employee or loyal citizen. Surely at no time was it ever intended that we should protect and give financial security to a crook, a jailbird, or a traitor to his country.

Mr. COOPER. I am not discussing the merits of the situation; I am discussing the right of Congress.

Mr. WILLIAMS. Mr. President, I ask for a vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware [Mr. WILLIAMS].

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. MUNDT. Mr. President, on this question, I ask for the yeas and nays.

Mr. WILLIAMS. Mr. President, I request the yeas and nays.

The yeas and nays were not ordered.

Mr. FERGUSON. Mr. President, as I understand, an agreement has been reached between the majority leader and the minority leader that there will be no yea-and-nay votes at this time.

Mr. HENDRICKSON. That is correct.

Mr. FERGUSON. Then we should respect the agreement.

Mr. CLEMENTS. Mr. President, I wish to ask a question of the distinguished Senator from Delaware. In view of the agreement between the majority leader and the minority leader, does the Senator from Delaware wish to request a yea-and-nay vote at this time? Instead, why not defer final action on the bill until tomorrow?

Mr. HENDRICKSON. Mr. President, that was what I had in mind—namely, to lay aside this bill, and have the Senate proceed to consider the conference report on the farm bill. The Senator from Vermont [Mr. AIKEN] has been waiting all afternoon to have the conference report on the farm bill taken up.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. WILLIAMS. Mr. President, on the question of the final passage of House bill 9909, I request a division.

Mr. FERGUSON. Mr. President, I ask for a division.

Mr. CHAVEZ. Mr. President, why should the Senate be governed by what the majority leader and the minority leader say? This is still the Senate of the United States.

The PRESIDING OFFICER. House bill 9909 having been read the third time, the question is, Shall it pass?

The yeas and nays have been requested, but there was not a sufficient second.

Mr. WILLIAMS. Mr. President, on this question, I ask for a division.

Mr. FERGUSON. Mr. President, I join in the request for a division.

The PRESIDING OFFICER. On this question a division is requested.

Mr. LANGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. LANGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

House bill 9909 having been read the third time, the question is, Shall it pass?

On this question a division has been requested.

Mr. WILLIAMS. Yes, Mr. President; I have requested a division on this question.

The PRESIDING OFFICER. A division is requested, and the Senate will proceed to divide.

On a division, the bill (H. R. 9909) was passed.

The PRESIDING OFFICER. Without objection, Senate bill 2631 will be indefinitely postponed.

ORDER FOR RECESS

Mr. KNOWLAND. Mr. President, I ask unanimous consent that when the Senate recesses tonight, recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

INCREASE IN BORROWING POWER OF COMMODITY CREDIT CORPORATION

Mr. KNOWLAND. Mr. President, I move that the Senate now proceed to the consideration of Calendar No. 2499, H. R. 9756, a bill to increase the borrowing power of the Commodity Credit Corporation.

The PRESIDING OFFICER. (Mr. REYNOLDS in the Chair) The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 9756) to increase the borrowing power of the Commodity Credit Corporation.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. KNOWLAND. Mr. President, there is a privileged matter at the desk, namely, the conference report on the farm bill.

AGRICULTURAL ACT OF 1954— CONFERENCE REPORT

Mr. AIKEN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9680) to provide for the continued price support for agricultural products, to augment the marketing and disposal of such products, to provide for greater stability in agriculture; and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see House proceedings of Aug. 16, 1954, pp. 13860-13866, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. AIKEN. Mr. President, at this time of the night I am sure the Senate does not wish to have me review the contents of the entire bill, so I shall state the differences between the Senate amendment to H. R. 9680, or the Senate version of the bill, and the bill as it comes from the conference. The conference substitute differs from the Senate amendment to H. R. 9680 in the following respects:

First. The commodity set-aside is to be made "as rapidly as the Secretary of Agriculture shall determine to be practicable." Transfer of set-aside commodities for foreign aid purposes is to be restricted to disposition for disaster or other relief purposes, subject to the limitation of title II of the Agricultural Trade Development and Assistance Act of 1954. The method provided by title I of the Agricultural Trade Development and Assistance Act of 1954 is specified as a method of sale or barter of such com-

alien sheepherders (p. 14245).

10. RECLAMATION. Passed without amendment H. R. 5499, authorizing the Michaud Flats project, Idaho (p. 14239). This bill will now be sent to the President.
Passed with amendments H. R. 2235, to authorize the Santa Maria project, Calif. Rejected, 17-47, an amendment by Sen. Morse eliminating the provision making an exception as to the 160-acre limitation in this project. (pp. 14286-8, 14290-304.)
S. 1555, to authorize the upper Colo./project, was made the unfinished business (p. 14304).
 11. EDUCATION. Concurred in the House amendments to S. 3628, to provide a permanent program of assistance for school construction (p. 14262). This bill will now be sent to the President.
 12. WATER COMPACT. Passed with amendments S. 2821, consenting to a compact among States for disposition of the waters of the Missouri River and its tributaries (pp. 14239-40, 14284-6).
 13. NOMINATION of Herbert Hoover, Jr., to be Under Secretary of State, was confirmed (p. 14207).
 14. INTERNATIONAL AGREEMENTS. Discussed and, on objection of Sen. Smathers, passed over S. 3067, to require that international agreements other than treaties, hereafter entered into by the U. S., be transmitted to the Senate within 30 days after execution thereof (pp. 14241-2).
 15. FARM PROGRAM. Sen. Langer explained why he was absent during the vote on the conference report on H. R. 9680, the farm program bill, and said he would have voted against the report (p. 14223).
 16. FARM PROGRAM; ECONOMIC SITUATION. Sen. Goldwater, in discussing some of the dangers confronting our economic system, criticized high rigid price supports and stated that the administration has taken a "very courageous and long needed step in the farm program," and Sen. Kefauver suggested these 3 factors to reduce agricultural surpluses: Increase employment to enlarge purchasing power, improve the school-lunch program, and lower tariffs (pp. 14209-13).
- HOUSE
17. FLOOD CONTROL. Concurred in the Senate amendments to H. R. 9859, the omnibus flood-control bill, which includes a provision authorizing 20,000,000 additional to this Department for work on watersheds (pp. 14175-7). This bill will now be sent to the President.
 18. PERSONNEL. Agreed to the conference report on H. R. 2263, the fringe-benefits personnel bill (pp. 14172-4). This bill will now be sent to the President.
Agreed to the Senate amendment to H. R. 9909, to prohibit payment of Government retirement benefits to persons convicted of certain offenses. The amendment extends from 3 to 5 years the statute of limitations on certain crimes. (pp. 14174-5.) This bill will now be sent to the President.
Concurred in the Senate amendments to H. R. 9709, to extend and improve the unemployment compensation program, which includes a provision extending it to Federal employees (p. 14197). This bill will now be sent to the President.

19. FOREIGN AID; SURPLUS COMMODITIES. Agreed to the conference report on H. R. 9924, to provide for family housing for military personnel and their dependents, to authorize the Secretary of Defense to procure such housing for military personnel in foreign countries through the use of foreign currencies obtained through sale of surplus agricultural commodities, and to make Defense Department appropriations available to reimburse CCC in an amount equivalent to the dollar value of the currencies used. (p. 14175). This bill will now be sent to the President.
20. FOREIGN-AID APPROPRIATIONS BILL, 1955. The "Daily Digest" states that the conferees agreed to file a conference report on this bill, H. R. 10051, and that: "As agreed by the conferees the bill would provide total new funds of \$2,781,499,816, a decrease from the Senate- and House-passed versions of \$9,325,000 and \$14,445,184, respectively. The figure agreed upon added to unobligated funds of \$2,462,075,979 would make a grand total of \$5,243,575,795 (p. D1004).
21. RECLAMATION. Vacated the proceedings of Aug. 17 whereby H. R. 8498, to authorize the Palo Verde project, Calif., was sent to conference, and concurred in the Senate amendments to the bill (pp. 14171-2). This bill will now be sent to the President.
22. DROUGHT RELIEF. Rep. Brown (Ga.) urged that Ga. be declared a major disaster area and stated that in more than 100 counties the grain crop is "practically destroyed" (p. 14178).
23. ADVISORY COMMITTEES; PRICE SUPPORTS. Rep. Polk criticized the agricultural advisory committees and claimed that "almost none" of the reductions in prices received by farmers are being passed on to the consumers (pp. 14193-7).
24. FOREIGN TRADE. Rep. Eberharter spoke in favor of his bill, H. R. 9703, to provide assistance to communities, business enterprises and individuals in order to facilitate the adjustments made necessary by the trade policy of the U. S. (pp. 14190-1).
25. DROUGHT RELIEF. The Legislative Reporting Staff has obtained a supply of a House Agriculture Committee print, "The Drought Program, an Explanation of the Government's Program, in Cooperation with the States and Individual Farmers, to Combat the Effects of Drought."

ITEMS IN APPENDIX

26. SMALL BUSINESS. Extension of remarks of Rep. Hill commending the Small Business Administration and stating that it is "assisting our National economy to grow stronger and to stabilize our home-owned-and-operated business firms" (pp. A6131-2).
27. FARM PROGRAM. Extension of remarks of Rep. Burdick criticizing the administration's farm program and stating that "the acreage cut which Benson has made will put many small farms out of business" (p. A6135).
Extension of remarks of Rep. Hill discussing "the present situation of agriculture" and giving a brief report on the farm bill (pp. A6139-40).

employees' benefits which, in my judgment, certainly should have been included in this conference report.

I am particularly disappointed in the following omissions or weaknesses in this revised legislation which is H. R. 2263, of which I was the original author.

First of all, I strongly favored the overtime pay provisions of the Senate version of this bill and of S. 2665, as reported to the House by our committee providing, first, overtime at true time and a half for all employees up through the top step of grade GS-9, and at the same rate for employees in higher grades; and, second, the option of straight time for overtime by employees in the higher grades where such straight time would be greater than the time and a half pay at the top of grade GS-9. In my judgment, this works a major injustice on many of our most valuable, loyal, and hard-working employees, and I can find no justification for such discrimination.

Secondly, the conference substitute provision establishing a 25 percent maximum for the aggregate premium compensation of employees in so-called standby positions is very unfair to the largest group of employees in such positions, that is, our 13,000 or more firefighters. The conference substitute will deprive these firefighters—except the ones presently on the roll—of as much as \$360 per annum in premium compensation which they would receive under present provisions for overtime, night differential, and holiday pay.

I realize the desirability of a system of premium compensation which is as uniform as possible, but such a system certainly should not be imposed at the expense of an actual out-of-pocket loss to future employees in firefighting positions. As a matter of fact, the very uniformity which allegedly will result under the conference substitute is self-defeating, because it will automatically create two separate and distinct groups of firefighting employees, both doing the same work and subject to the same qualifications and requirements, but each receiving different rates of pay solely because of the 25 percent overall premium compensation limitation in the conference substitute.

The conference substitute would be a much more sound piece of legislation had it retained the provisions of the Senate version of H. R. 2263 and S. 2665 as reported to the House by the House Post Office and Civil Service Committee dealing with this matter of premium compensation of firefighters.

Thirdly, while I supported the definite uniform allowance provisions of S. 2665, as reported to the House by our committee, I feel it would have been a desirable feature to include in the conference substitute the language of the Senate bill which would have permitted use of the uniform allowance for the upkeep of such uniforms, an expense borne by employees required to wear uniforms which is not borne by other Federal employees. I also favor the House approved version, which would not have made the appropriation of funds for these uniform allowances dependent upon a showing of

the necessity or desirability thereof each year, as is the case with the conference substitute.

Fourth, by adopting the Senate version on annual leave rights for Federal employees, the conference substitute did not go nearly far enough toward restoring annual-leave privileges which were taken away from Federal employees by Public Law 102 of this Congress. There is ample justification for restoration of the right to accumulate up to 60 days of annual leave, as would have been provided under S. 2665 as our committee reported that bill to the House. The accumulated annual leave is a cushion which employees have against separation from their jobs and consequent loss of income.

Moreover, many Federal employees live at great distances and simply cannot take any real vacation, such as would be required to travel to and from their distant homes and spend any time there, unless they can have the right to save their leave until it amounts to a longer period than 30 days.

I have always felt that the 1944 law authorizing lump-sum payments for accumulated annual leave when employees are separated is a distinct benefit to the Government, from the standpoint of sound administration and management, as well as to the employees as a cushion against loss of employment.

In spite of these omissions and watering down of some of the benefits, this measure should be approved.

It will result in some much-needed and desirable benefits to many Federal employees.

The SPEAKER. The question is on the conference report.

The conference report was agreed to, and a motion to reconsider was laid on the table.

(Mr. REES of Kansas asked and was given permission to extend his remarks at this point.)

Mr. REES of Kansas. Mr. Speaker, I am pleased to present this conference report to the House of Representatives. It contains what in my judgment is one of the most forward-looking pieces of employee legislation the House has considered for many years.

This bill passed the House on Consent Calendar as legislation to permit the extension for an additional period of 4 years of mail-messenger contracts under the present rules, regulations, and laws governing the extension of star-route contracts. The star-route law has been in existence for a number of years and has worked out very satisfactorily. It provided the Department with a means of retaining star route contractors who have given satisfactory performance. It provides for a better continuity in the whole star route operation. The legislation as passed by the House would extend these benefits to small-messenger contracts, which provide for a similar service of carrying mail between post offices or from railroad stations to post offices. Under the conference agreement this provision, which was struck out in the Senate, was restored and is now in the conference agreement.

The basic change in this legislation, however, relates to Federal employees.

It contains what are termed the "fringe benefit" proposals of the administration. As a matter of fact, "fringe benefits," in my judgment, is a misnomer. Actually, this legislation provides some very substantial benefits for Federal employees—benefits which they have sought for many years.

While the major change in this bill was made in the Senate, this entire legislative matter has received very careful consideration by our committee. It was the subject of an extended hearing by our committee and recommendations made in legislation under a Senate number, 2665. This legislation was reported favorably and contained, in addition to the fringe benefits in this bill, provisions for a 5 percent salary increase. It has not been called up for consideration by the House.

The legislation approved by the Senate as H. R. 2263 contains substantially the same language, except for the salary provision, as the legislation approved by our committee. Only a few minor changes were made in the conference report and I am pleased now to present to you a summary of the contents of this report as it relates to benefits and improved procedures for Federal employees:

This legislation will increase by 150 the number of so-called supergrade positions—that is, the positions in grades 16, 17, and 18—which are authorized under the Classification Act of 1949, as amended. Under that act 400 of these higher grade positions were authorized; under this legislation there will be 550, divided as follows: Not more than 400 in grade 16; not more than 115 in grade 17, and not more than 35 in grade 18. Additional positions in this same category which are authorized by other legislation are not disturbed by this bill.

This legislation makes important changes made in the longevity provisions for employees paid under the Classification Act. One of the beneficial proposals is that an employee may count toward his longevity step increases time served in a higher grade. Also, this legislation extends the principle of longevity step increases to employees in grades 11 through 15. Previously longevity step increases have been limited to employees in grades 10 and below. The longevity step increases will be in the same amount as the within-grades step rate increases, except that for grade 15, which has step-grade increases of \$250, the longevity step increase will be \$200.

This legislation permits the Civil Service Commission to recruit employees in scarce categories above the minimum rate of the class of positions to be filled by such employees. This will be of great benefit in the recruitment of employees where it is difficult to find qualified eligibles for vacancies in engineering, scientific, and other positions where there is a scarcity of qualified eligibles.

One of the major changes in this bill is the elimination of what is known as the CPC schedule. This is the crafts, protective, and custodial schedule. Under this proposal over a period of a year the Civil Service Commission will transfer approximately 116,000 employees

from this schedule for pay purposes. Approximately 65 percent of them will be paid under Wage Board procedures, and the remainder will go to the Classification Act schedules. Wage Board procedures provide for payment of employees who are craftsmen, mechanics, and tradesmen in accordance with the prevailing wages for similar types of work in the area where they are employed. Nearly 800,000 employees, primarily located in the Defense Department, are already paid under such procedures.

This legislation contains a complete revision of the premium-pay laws governing Federal employees. It brings it up to date and places it on a basis that will be more or less self-adjusting in the future. One of the major changes is raising the maximum rate of base pay which an employee may receive and still be paid full time and a half for overtime. At the present time, the rate is \$2,980 per annum. Under this legislation full time and a half for overtime will be paid for employees who receive the minimum rate of grade 9, which is \$5,060 per annum at the present time. This will then become the maximum overtime rate for all employees whether or not they receive a higher basic rate than the minimum of grade 9. Employees below the minimum of grade 9 have an alternative of being paid time and a half for all overtime or receiving compensatory time. For employees over grade 9 compensatory time or overtime pay is at the option of the agency concerned. Call-back provisions are revised so that an employee called back to perform unscheduled overtime work will receive a minimum of 2 hours' pay at the overtime rate.

Under this conference report there is a special provision for certain unusual types of work. This section 208 provides additional annual pay at rates of up to 25 percent of base pay in lieu of all overtime, night and holiday pay for employees performing standby duty and having long been in ordinary periods of duty. In the case of those employees who, under present laws or Comptroller General's decisions, might receive a more favorable rate than the 25 percent maximum would permit, there is a savings clause which assures that such employees who are presently on the rolls will not receive a reduction in salary.

This legislation places the Federal Government on a 5-day, 40-hour week rather than present 40-hour administrative week. There is a provision, however, that where an agency will be seriously handicapped in carrying out its functions or where costs would be substantially increased by compliance with this section the agency may require the duties to be scheduled on days other than the 5 days.

This legislation completely revises the Government's incentive awards program. It provides for a coordinated program directed by the Civil Service Commission. Under the conference report department and agency heads may grant incentive awards or cash awards for amounts not exceeding \$5,000. They may grant such awards with the approval of the Civil Service Commission for amounts not

exceeding \$25,000. There is also a provision in the bill for a Presidential award in addition to other awards which may be granted under the bill.

The annual-leave laws governing Federal employees are amended by this conference report to provide that annual leave already accumulated and which by the recent amendment to the Leave Act would have to be liquidated down to 30 days may be retained. Also there is a provision whereby estates of employees who die in service may be compensated for the current accrued annual leave.

Mr. Speaker, except for the revisions of the classification pay schedules recommended by the Commission, this legislation, when combined with the group-insurance plan recently approved by the Congress, contains virtually all of the administration's program with respect to Federal personnel. We have received a proposal which will be given study from the administration relating to group, health, and hospitalization insurance. I feel that the House will approve this conference report. I certainly hope it will and when it has been signed into law, I believe that this Congress and the administration can point with pride to some of the most far-reaching reforms in the Federal personnel program that have ever been brought about in such a brief period of time.

As the bill passed the Senate, it provided for a repeal of what has come to be popularly known as the Whitten amendment. This is a rider to an appropriation act which in 1950 placed the Government employment on a temporary basis until such time as the President should rescind the emergency order which was placed into effect at that time.

The conference report does not repeal the Whitten amendment, but does contain a modification which meets several objections that have developed and were pointed out in testimony before our committee. Primarily what our proposed amendment does is to clearly place the ceiling on permanent appointments—the number in effect on September 1, 1950—on a Government-wide basis, and to permit a 10-percent increase in that ceiling. It also permits permanent reinstatements and permanent promotions. It retains all of the features of the Whitten amendment which were written for the protection of employees, such as the provisions for preserving positions for men going into military service and for reports to Congress covering the average grade and salary throughout the various Federal agencies. Testimony before the committee indicated that most of these objectives could probably be accomplished under the present Whitten amendment. However, in order to make sure that the Congress was not prohibiting specifically these permanent reinstatements and promotions, the amendment was revised to some extent. We have the assurance of the Civil Service Commission that they can place into effect their program for a beginning on their career-conditional type of appointment. This will establish a 3-year period in which employees will move from a temporary to a perma-

nent status, and will provide considerably more flexibility in Federal employment as well as a better basis for assimilating reductions if they are necessary because of a reduction in the total number of Federal personnel.

We also have the assurance of the Civil Service Commission that they will move promptly into this program. It is the view of the conferees that this will continue in effect the benefits of the Whitten amendment with respect to a brake on total number of permanent employees in the Federal Government, yet at the same time provide the basis for the Government to move as rapidly as possible into a more stabilized employment and to a much more favorable employment situation for Federal employees who have been added to the rolls since September 1950.

Under the conference agreement a uniform allowance is authorized for those Federal employees who are required to wear them in carrying out their official duties. Under the terms of this uniform allowance section administrators must first determine the desirability of providing these uniforms, then request the necessary appropriations, and the appropriations then, of course, will be acted upon in the normal legislative manner. These provisions will include all Federal employees, including postal employees. The only difference between this section and that approved by the Senate is the conference report strikes out the provision for upkeep of uniforms contained in the Senate passed bill.

In my judgment, this bill which improves overtime provisions, establishes special premium compensation, provides longevity step increases for those in grades 11 through 15, authorizes recruitment in scarce categories above the minimum of the grade, returns the Government on a basis whereby permanent appointments, promotions and reinstatements will be made, as well as provides uniform allowances, represents one of the landmark pieces of legislation to be enacted into law in modern times.

I trust that the House will approve this conference report which, in the areas covered, so closely approximates what was passed by the Senate and recommended by our committee.

Estimated costs of H. R. 2263

Provisions of bill:	Annual costs
Sec. 101, supergrades.....	\$260, 000
Secs. 102, 103, longevity.....	1, 585, 000
Secs. 105, 106, 107—CPC schedule.....	36, 513, 000
Title II, premium pay.....	28, 000, 000
Title IV, uniform allowances (Senate figure).....	20, 000, 000
Title V, annual leave (payment to descendants).....	1, 840, 000
Total.....	88, 198, 000

PROHIBITION OF PAYMENT OF ANNUITIES TO CERTAIN GOVERNMENT EMPLOYEES

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9909) to prohibit payment of annuities to officers and employees of the United States con-

victed of certain offenses, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 10, after line 5, insert:

"SEC. 10. (a) Section 3282 of title 18 of the United States Code is amended by striking out 'three' and inserting in lieu thereof 'five'.

"(b) The amendment made by subsection (a) shall be effective with respect to offenses (1) committed on or after the date of enactment of this act, or (2) committed prior to such date, if on such date prosecution therefor is not barred by provisions of law in effect prior to such date."

The SPEAKER. Is there objection to the request of the gentleman from Kansas [Mr. REES]?

Mr. MURRAY. Mr. Speaker, reserving the right to object, may I ask the gentleman from Kansas [Mr. REES] if the amendment to the bill as passed by the House affects the annuities of those persons who are already receiving annuities or does it affect the annuities of those which have been granted Presidential pardons?

Mr. REES of Kansas. The answer to both questions is categorically no.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The Senate amendment was concurred in, and a motion to reconsider was laid on the table.

MILITARY FAMILY HOUSING

Mr. JOHNSON of California. Mr. Speaker, I call up the conference report on the bill (H. R. 9924) to provide for family quarters for personnel of the military departments of the Department of Defense and their dependents, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 17, 1954.)

The SPEAKER. The question is on the conference report.

The conference report was agreed to, and a motion to reconsider was laid on the table.

CHANGING NAME OF GAVINS POINT RESERVOIR BACK OF GAVINS POINT DAM TO LEWIS AND CLARK LAKE

Mr. DONDERO. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3744) to change the name of Gavins Point Reservoir back of Gavins Point Dam to Lewis and Clark Lake.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. DONDERO]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Gavins Point Reservoir back of Gavins Point Dam, which is located on the Missouri River near Yankton, S. Dak., shall hereafter be known as Lewis and Clark Lake and any law, regulation, document, or record of the United States in which such reservoir is designated or referred to under the name of Gavins Point Reservoir shall be held to refer to such body of water under and by the name of Lewis and Clark Lake.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMMISSION FOR THE ENLARGING OF THE CAPITOL GROUNDS

Mr. DONDERO. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1042) to abolish the Commission for the Enlarging of the Capitol Grounds.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. DONDERO]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Commission for the Enlarging of the Capitol Grounds, created by the act of April 11, 1928 (45 Stat. 420), having fully executed all the duties imposed upon it by law, accomplished the purposes for which it was created, settled all accounts, and submitted its final report to Congress, is hereby dissolved and the members of such Commission discharged from any further duties in connection with the matters heretofore committed by law to such Commission.

SEC. 2. Any revocable permits now in effect, heretofore granted by the Architect of the Capitol, under the direction of the Commission for the Enlarging of the Capitol Grounds, to owners of properties adjacent to the Capitol Grounds, for construction, maintenance and use of walkways, approaches, or driveways in the Capitol Grounds, providing access to such properties from the Capitol Grounds, subject to revocation by such Commission or by the Architect of the Capitol, shall continue in effect, subject to revocation by the Architect of the Capitol under the direction and approval of the President of the Senate and the Speaker of the House of Representatives. The Architect of the Capitol, with the approval of the President of the Senate and the Speaker of the House of Representatives, is authorized hereafter to grant similar revocable permits to the owners of any properties adjacent to the Capitol Grounds whenever such action is deemed necessary to provide proper access to such properties from the Capitol Grounds; and such permits shall be in the form of an agreement saving the United States harmless from and against any and all claims of any nature or kind that may arise from anything that may be connected with or grow out of such permits, and containing such other provisions and conditions as the Architect of the Capitol may deem necessary or proper.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONVEYANCE BY THE TENNESSEE VALLEY AUTHORITY OF CERTAIN PUBLIC-USE TERMINAL PROPERTIES NOW OWNED BY THE UNITED STATES

Mr. DONDERO. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Joint Resolution 170 to approve the conveyance by the Tennessee Valley Authority of certain public-use terminal properties now owned by the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. DONDERO]?

There being no objection, the Clerk read the Senate joint resolution, as follows:

Resolved, etc., That the Congress, pursuant to section 4 (k) (b) of the Tennessee Valley Authority Act of 1933, as amended (55 Stat. 599-600; 16 U. S. C. 831c (k) (b)), hereby approves the conveyance of the Tennessee Valley Authority in the name of the United States, by deed, lease, or otherwise, for the purposes of said section 4 (k) (b) and on the basis of the fair sale or rental value determined by the Tennessee Valley Authority, of the public-use terminal properties now owned by the United States and in the custody of the Tennessee Valley Authority at Knoxville, Chattanooga, and Harriman, Tenn., and Decatur and Gunterville, Ala.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PUBLIC WORKS

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9859) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 4, after line 9, insert:

"Delaware River, Pa., N. J., and Del.: In accordance with the recommendations of the Board of Engineers for Rivers and Harbors in House Document No. 358, 83d Congress, at an estimated cost of \$91,389,000."

Page 6, after line 20, insert:

"The existing modified project for Wilmington Harbor, N. C., authorized by the River and Harbor Act approved May 17, 1950, in accordance with the recommendations of the Chief of Engineers in House Document No. 87, 81st Congress, is hereby further modified to provide that the Secretary of the Army shall reimburse local interests for such work as they may have done upon widening of the transition channel at the lower end of the anchorage basin, subsequent to May 17, 1950, insofar as the same shall be approved by the Chief of Engineers and found to have been done in accordance with the project modification adopted in said act, provided that such payment shall not exceed the sum of \$65,000."

Page 6, after line 20, insert:

"Charleston Harbor, S. C.: Senate Document No. 136, 83d Congress, at an estimated cost of \$200,000."

Page 7, after line 7, insert:

"Carrabelle Harbor, Fla.: House Document No. 451, 83d Congress (maintenance of existing channel)."

Page 7, after line 22, insert:

"Pascagoula Harbor, Miss.: Modification of existing project in accordance with plans on file in the office of the Chief of Engineers, at an estimated cost of \$877,000."

Page 8, after line 19, insert:

"Port Aransas-Corpus Christi Waterway, Tex.: House Document No. 487, 83d Congress, at an estimated cost of \$180,000."

Page 9, line 12, after "approved", insert: "Provided, That such authorization shall include the acquisition of lands necessary for wildlife purposes as outlined in said Senate Document No. 81."

Page 10, after line 11, insert:

"Saginaw River, Mich.: In accordance with the report of the Chief of Engineers, dated June 7, 1954, at an estimated cost of \$4,-496,800."

Page 10, after line 13, insert:

"Ashtabula Harbor, Ohio: House Document No. 486, 83d Congress, at an estimated cost of \$4,900,000."

Page 11, after line 24, insert:

"Richmond Harbor, Calif.: House Document No. 395, 83d Congress, at an estimated cost of \$2,086,000."

Page 12, after line 5, insert:

"Tillamook Bay and Bar, Oreg.: Senate Document No. 128, 83d Congress, at an estimated cost of \$1,500,000."

Page 12, lines 19 and 20, strike out "House Document No. —, 83d Congress" and insert "In accordance with the report of the Chief of Engineers, dated May 27, 1954."

Page 13, after line 11, insert:

"Tacoma Harbor, Wash.: Modification of existing project to provide for 30-foot channel in Port Industrial (Wapato) Waterway, in accordance with plans on file in the office of the Chief of Engineers, at an estimated cost of \$634,200."

Page 13, after line 20, insert:

"Sitka Harbor, Alaska: House Document No. 414, 83d Congress, at an estimated cost of \$41,500."

Page 13, after line 20, insert:

"Dry Pass, Alaska: House Document No. 414, 83d Congress, at an estimated cost of \$1,419,800."

Page 13, after line 20, insert:

"Neva Strait, Alaska: House Document No. 414, 83d Congress, at an estimated cost of \$224,400."

Page 13, after line 20, insert:

"Petersburg Harbor, Alaska: In accordance with the report of the Chief of Engineers, dated April 8, 1954, at an estimated cost of \$40,000."

Page 13, after line 20, insert:

"Pelican Harbor, Alaska: In accordance with the report of the Chief of Engineers, dated April 8, 1954, at an estimated cost of \$270,000."

Page 13, after line 20, insert:

"Ketchikan Harbor, Alaska: In accordance with the report of the Chief of Engineers, dated April 8, 1954, at an estimated cost of \$2,947,900."

Page 13, after line 20, insert:

"Rocky Pass in Keku Strait, Alaska: In accordance with the report of the Chief of Engineers, dated April 8, 1954, at an estimated cost of \$214,000."

Page 13, after line 24, insert:

"Kodiak Harbor, Alaska: House Document No. 465, 83d Congress, at an estimated cost of \$1,685,000."

Page 14, after line 3, insert:

"Nawiliwili and Port Allen Harbors, T. H.: House Document No. 453, 83d Congress, at an estimated cost of \$1,166,400."

Page 15, line 24, strike out "\$1,176,400" and insert "\$1,180,400."

Page 17, strike out lines 13 to 18, inclusive, and insert:

"Sec. 103. The Secretary of the Army is hereby authorized and directed to cause pre-

liminary examinations and surveys to be made at the following-named localities, and subject to all applicable provisions of section 110 of the River and Harbor Act of 1950:

"Eastern River, at and in the vicinity of Orland, Maine;

"Southwest Harbor, Maine;

"Vicinity of Wells Beach and Drakes Island, Maine;

"Channel from the Gulf of Mexico into Choctawhatchee Bay, Fla., in the vicinity of Point Washington;

"Lake Tarpon (formerly Lake Butler), Fla., to determine the cause of salt water intrusion and corrective measures with respect thereto; and

"Chipola River, Fla., for measures to maintain satisfactory water levels in the Dead Lakes;

"Big Sandy River and Tug and Levisa Forks in Kentucky, West Virginia, and Virginia."

Page 18, after line 9, insert:

"SEC. 105. The authorization of the improvement of the Intracoastal Waterway from the Caloosahatchee River to the Anclote River (H. Doc. No. 371, 75th Cong.) authorized in the River and Harbor Act of 1945 and modified by the River and Harbor Act of 1948 and the River and Harbor Act of 1950 is further modified so as to authorize the use of alternate route C-1 in the Venice and Lemon Bay, Fla., area, as designated in plans of the Corps of Engineers.

"The Chief of Engineers is directed to report to the Congress prior to request for appropriation to construct this part of the project his recommendation as to the fair amount of local contribution in the light of the changed condition. Provisions as to local contribution based on these recommendations shall become effective when approved by the Public Works Committees of the Senate and the House of Representatives."

Page 18, after line 9, insert:

"SEC. 106. That the requirement, that local interests provide the ferries and bridges required for land traffic across the lateral and terminal canals, with respect to the river and harbor project authorized by the act of August 30, 1935 (49 Stat. 1028), on the Pearl River, Miss., below Jackson, shall hereafter be ineffective: *Provided*, That local interests furnish assurances satisfactory to the Secretary of the Army that they will hold and save the United States free from any claim for damage which might result from deprivation of access to the area."

Page 18, line 10, strike out "105" and insert "107."

Page 21, after line 18, insert:

"The plan for flood protection on the West Branch of the Susquehanna River, Pa., and N. Y., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in his report dated June 25, 1954, and there is hereby authorized to be appropriated the sum of \$25 million for partial accomplishment of that plan."

Page 23, line 7, strike out "as concurred in by" and insert "and."

Page 23, line 8, strike out "dated April 8, 1954" and insert "in House Document No. 478, 83d Congress."

Page 24, after line 18, insert:

"(e) The plan for flood control in the Reelfoot Lake area, Tennessee and Kentucky, substantially in accordance with the recommendation of the Chief of Engineers in his report dated June 17, 1954, at an estimated cost of \$748,100."

Page 24, after line 18, insert:

"Trinity River Basin, Tex.

"The project for the Navarro Mills Reservoir on Richland Creek, Tex., is hereby authorized substantially in accordance with recommendations of the Chief of Engineers in his report dated May 28, 1954, at an estimated cost of \$4,969,000."

Page 25, after line 10, insert:

"The project for the Belton Reservoir, Leon River, Tex., authorized by the Flood Control Act of 1946, is hereby modified to provide for the reservation, without reimbursement, of 12,000 acre-feet of conservation storage to be used as a permanent source of water supply for Fort Hood and adjacent military installations."

Page 28, line 9, strike out "under section 2."

Page 28, after line 23, insert:

"Pecos River Basin

"The project for flood protection on the Pecos River, Texas and New Mexico, is hereby authorized substantially in accordance with the recommendations of the Board of Engineers for Rivers and Harbors, dated March 26, 1954, at an estimated cost of \$9,540,000: *Provided*, That no appropriations shall be made for construction of Los Esteros Reservoir until satisfactory arrangements have been made by the State of New Mexico for the transfer of irrigation storage from the Alamogordo Reservoir."

Page 30, after line 3, insert:

"The project for flood protection on the Arkansas River, Conway County Drainage and Levee District No. 1, Arkansas, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 167, 82d Congress, at an estimated cost of \$230,600."

Page 30, after line 3, insert:

"The project for flood protection on the Arkansas River, Holla Bend Bottom, Ark., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 157, 82d Congress, at an estimated cost of \$312,000."

Page 30, after line 10, insert:

"The project for flood protection on Bear Creek at Hannibal, Mo., is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 435, 83d Congress, at an estimated cost of \$3,326,000."

Page 33, after line 9, insert:

"The project for flood protection on the Big Sioux River and tributaries at Sioux Falls, S. Dak., is hereby authorized substantially in accordance with the recommendations of the Board of Engineers for Rivers and Harbors in its report dated March 15, 1954, at an estimated cost of \$3,430,000."

Page 33, after line 15, insert:

"The general comprehensive plans for flood control and other purposes in the Missouri River Basin set forth in House Document No. 475 and Senate Document No. 191, as revised, and coordinated by Senate Document No. 247, 78th Congress, 2d session, approved in the Flood Control Act of December 22, 1944, are hereby modified to include the payment by the Corps of Engineers for construction or provision of adequate water supply and sewage facilities in the new relocated municipality of Pollock, S. Dak., at a cost not to exceed \$200,000, which is to compensate for the acquisition of and to replace facilities in the town which are located within areas which have been or will be acquired by the United States because of the construction of the Oahe Dam and Reservoir project in the basin."

Page 33, after line 21, insert:

"The project for flood protection on the Lower Heart River in the vicinity of Mandan, N. Dak., authorized by the Flood Control Act of 1946, and modified by the Flood Control Act of 1950, is further modified substantially in accordance with the recommendations of the Chief of Engineers in his report dated July 27, 1954, at an estimated cost of \$1,727,000."

Page 34, lines 12 and 13, strike out "House Document No. —, 83d Congress" and insert "his report dated June 23, 1954."

Public Law 769 - 83d Congress
Chapter 1214 - 2d Session
H. R. 9909

AN ACT

All 68 Stat. 1142.

To prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall not be paid to any person convicted prior to, on, or after the date of enactment of this Act of any of the following offenses described in this section, or to the survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or the date of enactment of this Act, whichever is later, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government : Federal employees.
Denial of annuities after criminal conviction.

(1) Any offense defined in section 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 217, 218, 219, 220, 221, 222, or 223 of chapter 11 (relating to bribery and graft), section 281, 282, 283, 284, 285, 286, or 287 of chapter 15 (relating to claims and services in matters affecting government), section 434, 435, 436, 441, 442, or 443 of chapter 23 (relating to contracts), chapter 37 (relating to espionage and censorship), section 1700, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1711, or 1712 of chapter 83 (relating to offenses involving the postal service), chapter 105 (relating to sabotage), or chapter 115 (relating to treason, sedition, and subversive activities) of title 18 of the United States Code or in section 10 or 16 of the Atomic Energy Act of 1946 (42 U. S. C., secs. 1810 and 1816) ; 62 Stat. 683.

(2) Any offense (not including any offense within the purview of section 13 of title 18 of the United States Code) which is a felony under the laws of the United States or of the District of Columbia (A) committed in the exercise of his authority, influence, power, or privileges as an officer or employee of the Government, or (B) committed after the termination of his service as an officer or employee of the Government but directly involving, directly resulting from, or directly relating to, the improper exercise of his authority, influence, power, or privileges during any period of his service as such an officer or employee ; 60 Stat. 766,
773; ante, p. 919.

(3) Perjury committed under the laws of the United States or of the District of Columbia (A) in falsely denying the commission of an act which constitutes any of the offenses described in paragraph (1) or (2) of this section, (B) in falsely testifying before any Federal grand jury or court of the United States with respect to his service as an officer or employee of the Government, or (C) in falsely testifying before any congressional committee in connection with any matter under inquiry before such congressional committee ; or subornation of perjury committed in connection with the false denial or false testimony of another person as specified in this paragraph ;

(4) Any offense defined in section 833, 861, or 862 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1325, 1330; D. C. Code, 1951 edition, secs. 22-1201, 22-701, 22-703) ; or in the second paragraph under the subheading "FOR EXECUTIVE OFFICE" under the caption "GENERAL EXPENSES" in the first section of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (32 Stat. 591; D. C. Code, 1951 edition, sec. 22-702).

SEC. 2. (a) There shall not be paid to any person who has failed or refused, or fails or refuses, prior to, on, or after the date of enactment of this Act, upon the ground of self-incrimination, to appear, Refusal to
testify, etc.

testify, or produce any book, paper, record, or other document, with respect to his service as an officer or employee of the Government or with respect to any relationship which he has had or has with a foreign government, in any proceeding before a Federal grand jury, court of the United States, or congressional committee, or to the survivor or beneficiary of such person, for any period subsequent to the date of such failure or refusal of such person or the date of enactment of this Act, whichever is later, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government.

False statements or concealment.

(b) There shall not be paid to any person who, prior to, on, or after the date of enactment of this Act, knowingly and willfully has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, has concealed or conceals any material fact, with respect to his—

(1) past or present membership in, affiliation or association with, or support of the Communist Party, or any chapter, branch, or subdivision thereof, in or outside the United States, or any other organization, party, or group advocating (A) the overthrow, by force, violence, or other unconstitutional means, of the Government of the United States, (B) the establishment in the United States of a Communist totalitarian dictatorship, or (C) the right to strike against the Government of the United States;

(2) conviction of any offense described in the first section of this Act; or

(3) failure or refusal to appear, testify, or produce any book, paper, record, or other document as specified in subsection (a) of this section,

for any period subsequent to the date of enactment of this Act or the date on which any such statement, representation, or concealment of fact is made or occurs, whichever is later, in connection with his application for an office or position in or under the executive, legislative, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government.

Return of contributions.

SEC. 3. Any amounts contributed by any such person toward the annuity the benefits of which are denied under this Act, less any sums previously refunded or paid as annuity benefits, shall be returned to such person, upon appropriate application therefor, with interest to the date of his conviction of any offense described in the first section of this Act or of the commission by him of any violation of section 2 of this Act, as the case may be, or the date of enactment of this Act, whichever is later, at such rates as may be provided in the case of refunds under the law, regulation, or agreement under which the annuity is payable, or if no such rates are so provided at the rate of 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year. Such person shall not be required to repay any annuity properly received by him which is in excess of the amount of his own contributions with interest. In the event a person entitled to a refund under this section dies prior to the making of such refund, the refund shall be made to such person or persons as may be provided in the case of refunds under the law, regulation, or agreement under which the annuity the benefits of which are denied under this Act is payable or, if no such provision is made, in the order of preference prescribed in section 12 (e) of the Civil Service Retirement Act of 1930, as amended.

64 Stat. 214.
5 USC 724(e).
Restoration upon pardon.

SEC. 4. The right to receive an annuity or retired pay shall be deemed restored to any person convicted, prior to, on, or after the

date of enactment of this Act, of an offense which is specified in the first section of this Act or which constitutes a violation of section 2 of this Act, for which he is denied an annuity or retired pay, to whom a pardon of such offense is granted by the President of the United States, prior to, on, or after the date of enactment of this Act, and to the survivor or beneficiary of such person. Such restoration of the right to receive an annuity or retired pay shall be effective as of the date on which such pardon is granted. Any amounts refunded to such person under section 3 of this Act shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made for any period prior to the date on which such pardon is granted.

SEC. 5. No accountable officer of the Government of the United States or of the government of the District of Columbia shall be held responsible for payments made in violation of the first section or section 2 of this Act when such payments are made in due course and without negligence. Nonliability of officers.

SEC. 6. As used in this Act—

Definitions.

(1) The term "officer or employee of the Government" includes an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States, a Member of or Delegate to Congress, a Resident Commissioner, an officer or employee of the government of the District of Columbia, and a member or former member of the Armed Forces of the United States, including the Regular and Reserve components thereof, the Fleet Reserve, the Fleet Marine Corps Reserve, the Coast and Geodetic Survey, and the Public Health Service.

(2) The term "annuity" means any retirement benefit (other than any benefit provided under laws administered by the Veterans' Administration) payable by any department or agency of the Government of the United States or the government of the District of Columbia upon the basis of service as a civilian officer or employee, except that such term does not include salary or compensation which may not be diminished under section 1 of article III of the Constitution or, in the case of a benefit payable under the Social Security Act, as amended, any portion of such benefit not based upon service as an officer or employee of the Government of the United States or the government of the District of Columbia. The term "annuity" does not include any retirement benefit of any person to whom such benefit has been awarded or granted prior to the date of enactment of this Act insofar as concerns the conviction of such person, prior to such date, of any offense specified in the first section of this Act, or the commission by such person, prior to such date, of any violation of section 2 of this Act.

(3) The term "retired pay" means retired pay, retirement pay, retainer pay, or equivalent pay (other than any benefit provided under laws administered by the Veterans' Administration), payable under any law of the United States to members or former members of the Armed Forces of the United States, including the Regular and Reserve components thereof and the Fleet Reserve and the Fleet Marine Corps Reserve, the Coast and Geodetic Survey, and the Public Health Service. The term "retired pay" does not include the retired pay, retirement pay, retainer pay, or equivalent pay of any person to whom any such pay has been awarded or granted prior to the date of enactment of this Act insofar as concerns the conviction of such person, prior to such date, of any offense specified in the first section of this Act, or the commission by such person, prior to such date, of any violation of section 2 of this Act.

Authority to
deny benefits.

SEC. 7. This Act shall not be construed as restricting authority under any other provision of law to deny or withhold benefits authorized by law.

Armed Forces.
Removal from
rolls.

SEC. 8. The President may drop from the rolls any member of the Armed Forces, including the Regular and Reserve components thereof, the Fleet Reserve, and the Fleet Marine Corps Reserve, and any member of the Coast and Geodetic Survey or of the Public Health Service, who is deprived of retired pay under the provisions of this Act.

Separability.

SEC. 9. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Statute of limi-
tations.
62 Stat. 828.

SEC. 10. (a) Section 3282 of title 18 of the United States Code is amended by striking out "three" and inserting in lieu thereof "five".

(b) The amendment made by subsection (a) shall be effective with respect to offenses (1) committed on or after the date of enactment of this Act, or (2) committed prior to such date, if on such date prosecution therefor is not barred by provisions of law in effect prior to such date.

Approved September 1, 1954.